A

REMONSTRANCE

OF THE

Lords and Commons

Assembled in Parliament,

OR,

The REPLY of both Houses, to a printed Book, under His Majesties name,

CALLED,

His Majesties Answer to a printed Book, entituled, A Remonstrance, or the Declaration of the Lords and Commons now assembled in Parliament the 26 of May 1642. *in answer to a Declaration under His Majesties name, concerning the busines of Hull.*

November 2. 1642.

ORdered by the Lords and Commons assembled in Parliament, that this Remonstrance be forthwith printed and published.

J. Brown Cler. Parliamentorum.

LONDON,

Printed for *I. Wright*, Novemb.

(63

To the Reader.

You will wonder (it may be) that this reply to the Declaration under His Majesties name, intituled, *An Answer to the Declaration or Remonstrance of the Lords and Commons in Parliament of the 26. of May*, 1642. comes forth no sooner, and yet comes forth now so long after the said answer; That it comes forth no sooner, is not for that it it was no sooner ready, but having passed

passed the Houſe of Commons divers Moneths ſince, the waighty and urgent affaires of the Kingdom did not afford an opportunity for reading of it in the Lords Houſe before. That it comes forth now, is to free aſwel both Houſes of Parliament from thoſe calumnies, ſcandals, and falſe imputations, which by the contriver of the Anſwer are caſt upon them, as to vindicate the Parliaments juſt priviledges, and the Kingdomes Rights, and Liberties, all which you will find ſo clearely done in the enſuing Treatiſe, as I doubt not but will give ample ſatisfaction to every impartiall Reader.

A

A Declaration of the Lords and Commons assembled in Parliament.

WHosoever lookes over the late Declaration under his Majesties name, carrying the title of an Answere to our Remonstrance concerning the businesse of Hull, will find that it is as farre from being an answer thereunto, as it is full of groundlesse and unheard offscandalls and imputations upon both Houses of Parliament, which wee hold as necessary to wipe off from us, as wee should otherwise have thought it needlesse to have made any reply; And becauſe the nature and language of that Declaration is such and so full of scandall to both Houses of Parliament; Wee are constrained to shape our answer more proportionably to the true Authors and framers of that Declaration than to the name it beareth, and as his Majesty cannot be imagined to be the framer and Penner of Declarations of that length and nature, so wee professe from our hearts that wee would be understood onely to speake of the Contrivers and Penners of that Declaration, and of the evill Counsellours about his Majestie so often as wee mention any of their wicked designes against this and all Parliaments, and in them against our Religion, Lawes, and Liberties, and their odious and most unjust slanders and calumnies upon the Parliament, which wee will take in order as they are layd against us, in that Declaration.

The first that is raised upon us is, *That wee promise much to his Majesty and performe little; say wee will make him great, honourable, and rich, and doe the contrary.* This is a scandall that hath beene often cast upon the Parliament, and as often answered. Wee have wholly in a manner supported his Majesties publick Charges both by Sea and Land, both in

England and Ireland, and have borne alſo a great proportion of his private expences out of the publick ſtocke, and all this while wee have not diminiſhed one penny of his juſt Revenue, which either his Majeſty or any of his Anceſtors could juſtly claime, but the evill Counſellours about his Majeſty have beene the true cauſe that wee have not beene able to compaſſe in that meaſure that we deſire, our earneſt and moſt ſincere endeavours and intentions of honour, greatneſſe, and plenty unto his Majeſty, ſutable to our expreſſions; And wee cannot expect till the droſſe be removed from the ſilver, and the wicked from about the Throne, that it will ever ſhine in its proper and native luſtre, which ſhall alwayes be our hearty prayer, and earneſt endeavour that it may. In like manner for the *plaine Engliſh, wherein we are ſaid to to tell the King That wee can doe him no wrong, becauſe he is not capable of receiving any, & that we have taken nothing from him, becauſe he never had any thing of his own to looſe*; In what part of that Declaration is this told the King in plaine Engliſh or by any good inference, unleſſe it muſt needs follow, that becauſe the King hath not a right of property in the Townes, Forrs, Subjects, publick Treaſure and Offices of the Kingdome, nor in the Kingdome it ſelfe, to diſpoſe of at his pleaſure and for his owne private advantage, but onely a truſt for the common good of Himſelfe and his ſubjects (as it is moſt cleare he hath them no otherwiſe) that therefore he cannot have a property in any of his Lands or Goods as ſubjects have in theirs, and yet it is a truth that the more publicke any perſon is, the more intereſt the publick hath even in thoſe things that belong to him as a private man, in which regard the King hath not the like liberty in diſpoſing of his owne Perſon, or of the Perſons of his Children (in reſpect of the intereſt the Kingdom hath in them) as a private man may have.

The truth of that Digreſſion (whereof there was no occaſion given in our Declaration) concerning words ſuppoſed to be ſpoken (which in trueth were not) by ſome Gentlemen and by the Contrivers and penners of that Declaration, inſinuated to have beene allowed by either Houſe of Parliament, had been more reaſonably examined by his Majeſtie (if hee would have taken notice at all of any thing ſpoken in Parliament before hee had

had ſuffered it to be publiſhed under his name & we might juſtly complaine of a moſt high and ſcleare breach of priviledge of Parliament therein well known, and often remonſtrated unto his Majeſtie himſelfe, that his Majeſtie ſhould take notice of any thing ſpoken in Parliament, and not ſo onely, but alſo threaten a further examination, and enquirie into it, after ſatisfaction or cenſure given thereupon by that Houſe wherein it was ſpoken, and out of the walls whereof it cannot be judged without their conſent. But ſure we have forfeited all freedome and priviledge of Parliament (for of late none will be afforded us) and why; We are no Parliament, it is arrogancy in the two Houſes of Parliament, to call themſelves the Parliament, and in the Major part of both Houſes, to call themſelves both Houſes. And why muſt the two Houſes relinquiſh the title of the Parliament as aunciently belonging to them, as the King and his Parliament had a being, and as uſually ſo taken in Statutes, and in common ſpeech as the King and his Counſell And the King himſelfe till very lately hath continually ſo uſed it in his Meſſages and Declarations, but now ſince it was reſolved to uſe ſuch language to both Houſes as to tearm them *Hypocrites and a faction of Schiſmaticall Malignant and ambitious Perſons* and the like, that is applyed in that, and the late Declarations unto them, and ſince there was an intention to follow ſuch words, which no Engliſh eare could ever endure to heare of a Parliament, with ſuch Indignities and acts of violence and force, as no Engliſh heart could ever ſuffer ſhould be offered to a Parliament, it was thought fit to diſſolve the name of Parliament, before they deſtroy the being of it: And why muſt not the Major part of both Houſes preſent (according to the conſtant practiſe of all times) be the two Houſes of Parliament and how are both Houſes of Parliament become a Faction, a thing never heard of before, and not eaſie to underſtand how it can be, and why a Faction? Becauſe they will not doe, or leave undone whatſoever thoſe new comptrolers of a Parliament, the Malignant party about his Majeſtie ſuggeſt to the King as fit to be done, or not to be done, and that is according to, or contrary unto his prerogative; who doth not ſee that this new Doctrine muſt needs call in queſtion

66

England and Ireland, and have borne alſo a great proportion of his private expences out of the publick ſtocke, and all this while wee have not diminiſhed one penny of his juſt Revenue, which either his Majeſty or any of his Anceſtors could juſtly claime, but the evill Counſellours about his Majeſty have beene the true cauſe that wee have not beene able to compaſſe in that meaſure that we deſire, our earneſt and moſt ſincere endeavours and intentions of honour, greatneſſe, and plenty unto his Majeſty. ſutable to our expreſſions; And wee cannot expect till the droſſe be removed from the ſilver, and the wicked from about the Throne, that it will ever ſhine in its proper and native luſtre, which ſhall alwayes be our hearty prayer, and earneſt endeavour that it may. In like manner for the *plaine Engliſh, wherein we are ſaid to to tell the King That wee can doe him no wrong, becauſe he is not capable of receiving any, & that we have taken nothing from him, becauſe he never had any thing of his own to looſe*; In what part of that Declaration is this told the King in plaine Engliſh or by any good inference, unleſſe it muſt needs follow, that becauſe the King hath not a right of property in the Townes, Forts, Subjects, publick Treaſure and Offices of the Kingdome, nor in the Kingdome it ſelfe, to diſpoſe of at his pleaſure and for his owne private advantage, but onely a truſt for the common good of Himſelfe and his ſubjects, (as it is moſt cleare he hath them no otherwiſe) that therefore he cannot have a property in any of his Lands or Goods as ſubjects have in theirs, and yet it is a truth that the more publicke any perſon is, the more intereſt the publick hath even in thoſe things that belong to him as a private man, in which regard the King hath not the like liberty in diſpoſing of his owne Perſon, or of the Perſons of his Children (in reſpect of the intereſt the Kingdom hath in them) as a private man may have.

The truth of that Digreſſion (whereof there was no occaſion given in our Declaration) concerning words ſuppoſed to be ſpoken (which in trueth were not) by ſome Gentlemen and by the Contrivers and penners of that Declaration, inſinuated to have beene allowed by either Houſe of Parliament, had been more ſeaſonably examined by his Majeſtie (if hee would have taken notice at all of any thing ſpoken in Parliament before hee had

had ſuffered it to be publiſhed under his name & we might juſtly complaine of a moſt high and cleare breach of priviledge of Parliament therein well known, and often remonſtrated unto his Majeſtie himſelfe, that his Majeſtie ſhould take notice of any thing ſpoken in Parliament, and not ſo onely, but alſo threaten a further examination, and enquirie into it, after ſatisfaction or cenſure given thereupon by that Houſe wherein it was ſpoken, and out of the walls whereof it cannot be judged without their conſent. But ſure we have forfeited all freedome and priviledge of Parliament (for of late none will be afforded us) and why; We are no Parliament, it is arrogancy in the two Houſes of Parliament, to call themſelves the Parliament, and in the Major part of both Houſes, to call themſelves both Houſes. And why muſt the two Houſes relinquiſh the title of the Parliament as aunciently belonging to them, as the King and his Parliament had a being, and as uſually ſo taken in Statutes, and in common ſpeech as the King and his Counſell And the King himſelfe till very lately hath continually ſo uſed it in his Meſſages and Declarations, but now ſince it was reſolved to uſe ſuch language to both Houſes as to tearm them *Hypocrites and a faction of Schiſmaticall Malignant and ambitious Perſons* and the like, that is applyed in that, and the late Declarations unto them, and ſince there was an intention to follow ſuch words, which no Engliſh eare could ever endure to heare of a Parliament, with ſuch Indignities and acts of violence and force, as no Engliſh heart could ever ſuffer ſhould be offered to a Parliament, it was thought fit to diſſolve the name of Parliament, before they deſtroy the being of it: And why muſt not the Major part of both Houſes preſent (according to the conſtant practiſe of all times) be the two Houſes of Parliament and how are both Houſes of Parliament become a Faction, a thing never heard of before, and not eaſie to underſtand how it can be, and why a Faction? Becauſe they will not doe, or leave undone whatſoever thoſe new comptrolers of a Parliament, the Malignant party about his Majeſtie ſuggeſt to the King as fit to be done, or not to be done, and that is according to, or contrary unto his prerogative; who doth not ſee that this new Doctrine muſt needs call in queſtion

66

and put all Laws made or to be made (either for the advantage of King or people) into an unavoydable and irremediable uncertainty, if the Major part of both Houſes preſent, ſhall not be eſteemed both Houſes; And if both houſes ſhall at the pleaſure of the Prince be called and accounted a Faction. *But this Malignant Faction the two Houſes of Parliament have, and alwayes had a deſigne to alter the whole frame of Government both of Church and State.* How doth that appeare, and out of what evidence doth it ariſe? *A full narration of that ſhall be made hereafter*, what juſtice, what conſcience is there in that, to defame in ſo high a degree (as a higher cannot bee imagined) not private perſons, but a Parliament throughout the whole Kingdome, upon a narration to be made hereafter which they hope will be ſatisfactory. And when ſhall this Narration bee made? when they have force enough to make men ſee Cauſe to judge it ſatisfactory; Or if that faile, they may happily ſee as good cauſe to relinquiſh the accuſation as they firſt ſaw cauſe, (which no man els ſaw or beleeved) for to make it, and by this time we doubt not) but every man doth plainly diſcern through the mask and vizard of their hypocriſie, what their deſign is, to ſubject both King Parliament and Kingdome, to their needy, avaricious and ambitious ſpirits, and to the violent Laws, Marſhall Law of governing the people by guard, and by the ſouldiers. The Contrivers and Penners of that Declaration wil needs make the world beleive, (for they care not what they affirme, knowing that their Declarations are, and will be ſpread with more diligence then the anſwers of the Parliament are)[*that we have ſpent our time ſince the receſſe only in Declarations, Remonſtrances, and Invectives againſt his Majeſty and his government, or in preparing matter for them*] was the Bill for taking the Biſhops votes of the Lords Houſe (ſo much deſired by the whole Kingdome, and ſo much for the good thereof) were the ſeverall Bills for the defence of the Se s nothing but Declarations and Invectives againſt the King and his Government, have the preparations of the Bills againſt ſcandalous Miniſters for the taking away of Pluralities, againſt Innovations and Superſtitions in Religion, for the calling of an Aſſembly of Divines for the better ſetling of the matters in Religion (moſt of

of which have paſſed both Houſes, and want nothing but the Royall Aſſent) beene onely preparations for matter of Declaration and invectives againſt his Majeſtie and His government; have the many Bills for the ſupplies and reliefe of Ireland; have all our endeavours for the redemptien of our Religion, and Nation out of the bloody hands of the Popiſh Rebells in that Kingdome (which God hath beene pleaſed to honour with good ſucceſſe, and the current whereof is ſo much endeavoured to be interrupted by the malignant ſpirit of diviſion amongſt us) been only Declarations and Invectives againſt the King and his government, are the preparations of moneyes and other neceſſaries for Ireland, both heretofore and at this preſent (wherein never any Parliament took that paines and engaged their own particular perſons and eſtates at any time, or in any caſe as this Parliament hath done, and without which the Rebells in Ireland might have been our Maſters there, and our mates in this Kingdome) are all theſe preparations only preparations of matter for Declarations and Invectives againſt his Majeſtie and his government? Wee might have expected ſuch a conſtruction of our actions from the Rebells in Ireland, but not in a Declaration publiſhed in his Majeſties name. And if his Majeſtie did not invite us to any expence of time in Declarations, by beginning arguments of that nature yet the evill Councellors about his Majeſty, and their wicked inſtruments diſperſed throughout the whole Kingdome, inforced us to prepare antidotes againſt the poyſon which they had infuſed into the people againſt the Parliament; and the proceedings thereof, and for the printing and publiſhing of our Declarations, Votes and Petitions, all this doth not make up an evidence of an appeal to the people cannot we publiſh our proceedings for the ſatisfaction of them by whom and for whom we are truſted, in thoſe things wherein they are ſo much concerned, and whereof they have of late beene ſo much and ſo malitiouſly miſinformed, but it muſt needs be an appeale unto them as Judges, Doe they not rather appeale unto them as Iudges, who decline the higheſt Court of Judicature within this Kingdome, and having recourſe to the people, arraigne and condemne before them the judgements and reſolutions of that Court from whence there can be no appeale but by diſſolving of the whole

 fram

ſtrame and conſtitution of the civill policy and governement of this Kingdome into the originall Law of nature, in which naturall capacity (ſince it muſt be ſo) in Gods name, let the people judg every man within his owne breaſt of the perſons that they have truſted, and of the perſons that they have not truſted, which are thoſe of the counterfeit imaginary great Counſell of Peers at Yorke, together with their guard of Cavalliers, and let them conſider with themſelves whether they have ſo much cauſe to miſtruſt the great Councell of the Kingdome, which they never yet knew to have brought in, or to have endeavoured to bring in an Arbitrary government, but often to have been the remedie thereof, or a few evill Councellors about his Majeſtie whom by frequent and late experience there, have known to have endeavoured it, and alſo to have done it.

Wee call God to witneſſe, that though our quarrell be againſt the malignant party for his Majeſties ſake, yet not in that ſence as is here affirmed, but out of our loyalty and hearty affection to his Majeſte, and our expreſſions againſt that party is, to give his Majeſty a lively ſence of the damage, danger and diſhonour that his Majeſty ſuſtaineth by their Counſells and ſuggeſtions.

But there is no malignant party about his Majeſty, We name them not, we prove them not to be evill Counſellors. And how doe the framers of that Declaration prove, or by what of our proceedings is it evident? That by the malignant party *wee intend all the Members of both Houſes who agree not with us in Opinion, and all the perſons of the Kingdome who like not of our Actions.* By what Declaration or Vote of either, or both Houſes was that diſtinction made of *good and bad Lords*, or by what allowance or countenance of both or either Houſe *were any preſcribed, and their names liſted and read in tumults?* Although it is poſſible that ſome Members of one or both Houſes, may diſcover ſuch a conſtant Bias from publick intereſſes to their private ends, that they may heare ill abroad for it, which the Houſes of Parliament cannot helpe, nor are bound to hinder. As for thoſe perſons *whoſe tranſcendent vertues* (ſo largely here deſcribed) *brought them to his Majeſties knowledge and favour*; as wee muſt profeſſe that the two Houſes of Parliament (which are the Eyes of the Body Politique of this Kingdome)

cannot

cannot diſcerne many ſuch in favour with his Majeſty, ſo wee are ſure nothing that ever wee have ſaid or done, can give any ground for any man to collect that wee intended to brand any Perſons with the name of Malignants for ſuch Counſells and Actions as thoſe; but if any mans Conſcience hath brought that home to himſelfe which our Declaration did not, who formerly might ſeeme forward for Religion and publick interreſſes, and ſince hath beene an inſtrument in diviſion betweene his Majeſtie and his great Counſell the Parliament; Wee ſhall not thinke hee is leſſe malignant or more worthy of his Majeſties knowledge and favour becauſe hee is an Apoſtat, *but the Counſells ſhall try the Counſellors*, that is the Tryall wee put them upon. *It is ſaid*, [*That it is no ill counſell for the King to withdraw himſelfe ſo farre, and ſo long from the Parliament; becauſe at London, He, and many whoſe affections were eminent towards him, were in danger every day to be torne in pieces, and at Yorke, his Majeſty, and all ſuch as will there put themſelves under his protection, may live ſecurely, and that thorough the affection and loyalty of that good people*]

The complaint of Tumults ſo often urged, and ſo often anſwered by us, hath ſerved for many ends, and moſt of them tending to the diſſolution of this Parliament. But what was the danger his Majeſty was in, and thoſe whoſe affections were eminent to him? to be torne in pieces, and how have all they ſcaped that ſtayed here till ſome few daies ſince, and thoſe that ſtay here ſtill, and yet would be very ill pleaſed if it ſhould be thought their affections were not eminent towards his Majeſty.

It is ſaid [*That his Majeſty and thoſe that were beſt affected to him were in danger of being torne in pieces*] but they by whom it is ſuppoſed it ſhould be done were in truth torne in pieces, and mangled in a moſt cruell and barbarous way by a company of Souldiers and other rude perſons, who were harboured in his Majeſties owne houſe, and that Act of theirs connived if not countenanced by his Majeſty himſelfe, when complaint was made thereof unto him. And now it appeares cleerly who were the Authors and occaſions of thoſe Tumults and diſorders (never in the leaſt degree countenanced or connived

at

at by both or either Houſes of Parliament) whatever is moſt untruely ſpread abroad to the contrary, they were the ſouldiers, and other ill-affected perſons joyning with them who ſtirred them up here) where ſince their departure all is quiet) and have raiſed them ſince at York, where the Gentlemen & inhabiants of ſeverall Counties addreſſing themſelves to his Majeſty in an humble way of Petition have beene affronted and aſſaulted, and the Meſſengers from the Parliament abuſed and beaten. In a word, ſhall the comming downe of a company of boyes and Prentiſes two or three times in the Holy-daies, and making great noyſe againſt Biſhops (for which they were well beaten) be eſteemed a juſt and a perpetuall ground for his Majeſty and other Members of Parliament to abſent themſelves from the Parliament? ſhall not the preſent quiet face of this City, ſhall not the frequent Proteſtations of both Houſes of Parliament for his Majeſties ſecurity to the uttermoſt power that the Law can give to them, or they unto the Law? ſhall not the forwardneſſe of both Houſes in appointing a Committee for his Majeſties ſatisfaction to inquire into all diſorders of that kind, and to heare what the Kings Counſell would informe concerning them) who anſwered they had as yet nothing to informe) be ſufficient to take away that pretence of danger to his Majeſties Perſon which no man can beleeve that will be faithfull to himſelfe? But that we may take off the Vizard and clearely diſcover the true intent of his Majeſties aboade at York (which is plainely enough expreſſed in this very place) if his Majeſty be not ſo well ſatisfied with the City of London, is there never a County neare the Parliament, in whoſe loyalty and affection his Maieſty may reſt ſecure? Was his Majeſty in danger to be torne in pieces when hee was at Hampton Court? was his Majeſty in danger whilſt hee was in Kent? was his Majeſty in danger when he was at Theobalds, or at New-market? if York be ſo ſecure a place for his Majeſties Perſon, and that thorough the affection and loyalty of that good people (as we doubt not but that it is ſecure enough without a Guard) what neede is there of ſuch an extraordinary Guard of Horſe and Foot? The truth is that Guard, and all the Forces that are preparing to be added to it, and that place is

to

to ſhelter all Delinquents who may come and put themſelves under his Maieſties Protection there, and ſo be kept from the Iuſtice of the higheſt Court, and ſerve to make up the number of thoſe that muſt helpe by force to trample underfoot all the power and Priviledges of the high Court of Parliament, in their ſummons and proceſſes, and make voyd their Orders, grounded on the fundamentall Lawes of the Land, and neceſſary for the peace and preſervation thereof: and therefore as we ſaid ſo we will ſay ſtill, that they which counſell his Majeſty to bee at this diſtance in place from his Parliament, which can be to no other end, but the better to foment and increaſe the diſtance of Affection between them, are evill Counſellors, and of the malignant Party. In the next place it is ſaid, *That it is no evill Counſell for the King to forſake the Advice of his great Councell of Parliament, and to follow the advice of private men, contrary thereunto, and that becauſe wee ſay wee are above his Maieſty, and by his owne Authority, may do with him what we pleaſe, and that we would diſpoſe of the Subiects Lives, and Fortunes, by our Votes, contrary to the knowne Lawes of the Land:* This is in plaine Engliſh, as that wee had bin told, that the King did not looke upon us any longer as his great Councell, but as Conſpirators againſt him, and the Kingdome, not as his Parliament, but as Traytors againſt him, and all his Subjects: It is not lawfull for the high Court of Parliament, to Judge of the Kings actions, and of his evill Counſellors, and of their Counſels: and ſhall it be lawfull for the King and his evill Counſellors to judge, arraigne, and condemne a Parliament, which is the higheſt Court, which is the repreſentative body of the whole Kingdome.

Did we ſay, *that the Kings Authority* (which all good Princes will, and his Majeſty hath profeſſed, that he ought to maintaine with the Sacrifice of his life) *is above his Perſon, and that his perſonall Commands ought not to comptroll thoſe that proceed from his Authority, which reſideth in his Courts, and his Lawes, and in his Perſon, acting by the one, and according to the other: and are they good Counſellors that perſwade the King to the contrary? Doe we diſpoſe of all the Subiects lives and Fortunes, by our owne Votes, contrary to the Law of the Land*, becauſe wee will not ſuffer the Lives, Fortunes, and Honours of all the Subjects, to be at the Devotion, and to be diſpoſed of by the Votes of evill Counſellors, and Cavaliers, contrary to the Votes

of both Houses of Parliament. *Doe we dispose of the lives and fortunes of all the Kings good Subiects, contrary to the Knowne Law of the Land*, because wee will not admit that to be the Knowne Law of the Land, which those men have declared to be so, contrary to the Iudgement of both Houses of Parliament, of whom all the Judges of *England* once said, they were not to be judges of them, who were Judges of the Law? As we said before, so wee say still, and it stands good, that they which draw away his Majesties Person and affection from his Parliament, they that would subject the Counsels and determinations of the greatest Court, and highest Counsell, to the opinions of private men, they that will make the Law their Rule by their private interpretations against the judgement of the highest Court, that is the competent Judge thereof, and they that to make all this good, are preparing force to destroy, first the Power and Priviledges, and then the persons of both Houses of Parliament, are evill Counsellors, and of the malignant Party: and if they are so confident that these are good Counsels, why are they ashamed or afraid to owne them? let them discover their Names, and wee doubt not but the Law will find a name for their fact, and a punishment for their fault: *But he is pronounced accursed that harbours in his Heart a thought against the publike Liberty and Religion of this Kingdome, or the iust freedome and privilledge of Parliament*: let then the King and his Throne be guiltlesse; it is our desire, it is our Prayer, but accursed be they that wickedly and maliciously advise his Majesty to wayes of force against his Parliament, which is the bond and assurance of the publique liberty, and profession of the true Religion within this Kidgdome, and let all the people say *Amen*. And we wish that the People may not have cause to curse them also (whom we pray God to forgive) that after so many good Lawes to take away Ship-Money, Coate and Conduct Money, and to free our persons from pressing, imprisoning, and being disposed of at pleasure, have advised his Majesty at one blow to destroy all these Lawes, and revive all those grievances, by setting on foot an old antiquated illegall Commission of *Array* (which never was but Temporary,) and to protect and defend those, that in a warlike manner, with Banners displayed, have attempted to put it in Execution, and rescued themselves from the Iustice of Parliament,

And

And them that have adviſed his Majeſty, having withdrawne himſelfe ſo long and ſo far from his Parliament, to command alſo away the Members of both Houſes upon their Allegiance, and after to lay an imputation of weakeneſſe upon the *Parliament*, in reſpect of the abſence of their Members, and of wickedneſſe, as if thoſe Members had withdrawne themſelves out of Horror of the proceedings of both Houſes of Parliament, or had bin by fraud and violence driven from their Councels, and them that have adviſed his Majeſty to ſend for the Lord Keeper away, with the great Seale, whoſe attendance with the Seale upon the Parliament, is ſo neceſſary in many particulars, and under colour of *Proclamations* under the Great Seale, and otherwiſe by Declarations and Meſſages, to contradict the juſt and neceſſary *Reſolutions* of the higheſt Court within this Kingdome, which is the *Parliament*, and to caſt inſufferable and heretofore unheard of Scandals and Calumnies upon their perſons and proceedings: And they that have counſelled his Majeſty to forbid the Summons of Parliament to be obeyed, which reduceth the knowne and undoubted Power and Priviledge of the higheſt Court of Juſtice to nothing, yea, to ſcorne and contempt (which is worſe then nothing) and them that perſwaded his Majeſtie to protect Delinquents from the Juſtice of Parliament, and to countenance the abuſing and beating of Meſſengers, ſent from both or either Houſe of Parliament, and reſcuing out of their hand a Delinquent, and that a knowne Recuſant, (which was the Caſe of *Beckwith*) and that amongſt other things, for ſecretly plotting and conſpiring by practiſe with ſome of the Officers of the Garriſon of *Hull*, to poſſeſſe himſelfe of that Towne and Fort (by which example, the world may ſee what kind of people they are, that are moſt active to get that Towne out of the hands whereunto both Houſes of Parliament have intruſted it.) Wee ſay wee could wiſh, that all ſuch as have counſelled his Majeſtie to ſo frequent, ſo evident, ſo high breaches of priviledges of Parliament, could truly ſay they had never harboured a thought againſt the juſt freedome and priviledge of Parliament; and we pray God to forgive them for it.

For that concerning our inclination to be Slaves, it is affirmed, *That his Majeſtie ſaid nothing which might imply any ſuch inclination in*

of both Houſes of Parliament. *Doe we diſpoſe of the lives and fortunes of all the Kings good Subiects, contrary to the Knowne Law of the Land*, becauſe wee will not admit that to be the Knowne Law of the Land, which thoſe men have declared to be ſo, contrary to the Iudgement of both Houſes of Parliament, of whom all the Judges of *England*

them, who were Judg

ſay ſtill, and it ſtands

jeſties Perſon and affe

ſubject the Counſels a

and higheſt Counſell,

will make the Law t

againſt the judgemen

petent Judge thereof

preparing force to def

then the perſons of b

lors, and of the mali

that theſe are good C

owne them? let them

but the Law will find

their fault: *But he is p*

thought againſt the publi

the iuſt freedome and pri

his Throne be guiltleſſ

curſed be they that wi

to wayes of force agai

aſſurance of the publi

ligion within this Kid

we wiſh that the Peo

(whom we pray God

to take away Ship-Mo

our perſons from pre

pleaſure, have adviſed

Lawes, and revive all t

antiquated illegall Commiſſion of *Array* (which never was but Temporary,) and to protect and defend thoſe, that in a warlike manner, with Banners diſplayed, have attempted to put it in Exe cution, and reſcued themſelves from the Iuſtice of Parliament,

And

NOTE

This volume

tight binding an

effort has been

duce the centres

result in

acade

microform

And them that have adviſed his Majeſty, having withdrawne himſelfe ſo long and ſo far from his Parliament, to command alſo away the Members of both Houſes upon their Allegiance, and after to lay an imputation of weakeneſſe upon the *Parliament*, in reſpect of the abſence of their Members, and of wickedneſſe, as if thoſe Members had withdrawne themſelves out of Hor-

olume has a very
ing and while every
been made to repro-
entres, force would
sult in damage
academic
icroforms

and we pray God to forgive them for it.

For that concerning our inclination to be Slaves, it is affirmed, *That his Majeſtie ſaid nothing which might imply any ſuch inclination in*

70

of both Houſes of Parliament. *Doe we diſpoſe of the lives and fortunes of all the Kings good Subiects, contrary to the Knowne Law of the Land*, becauſe wee will not admit that to be the Knowne Law of the Land, which thoſe men have declared to be ſo, contrary to the Iudgement of both Houſes of Parliament, of whom all the Judges of *England* once ſaid, they were not to be judges of them, who were Judges of the Law? As we ſaid before, ſo wee ſay ſtill, and it ſtands good, that they which draw away his Majeſties Perſon and affection from his Parliament, they that would ſubject the Counſels and determinations of the greateſt Court, and higheſt Counſell, to the opinions of private men, they that will make the Law their Rule by their private interpretations againſt the judgement of the higheſt Court, that is the competent Judge thereof, and they that to make all this good, are preparing force to deſtroy, firſt the Power and Priviledges, and then the perſons of both Houſes of Parliament, are evill Counſellors, and of the malignant Party: and if they are ſo confident that theſe are good Counſels, why are they aſhamed or afraid to owne them? let them diſcover their Names, and wee doubt not but the Law will find a name for their fact, and a puniſhment for their fault: *But he is pronounced accurſed that harbours in his Heart a thought againſt the publike Liberty and Religion of this Kingdome, or the iuſt freedome and privilege of Parliament*: let then the King and his Throne be guiltleſſe; it is our deſire, it is our Prayer, but accurſed be they that wickedly and maliciouſly adviſe his Majeſty to wayes of force againſt his Parliament, which is the bond and aſſurance of the publique liberty, and profeſſion of the true Religion within this Kidgdome, and let all the people ſay *Amen*. And we wiſh that the People may not have cauſe to curſe them alſo (whom we pray God to forgive) that after ſo many good Lawes to take away Ship-Money, Coate and Conduct Money, and to free our perſons from preſſing, impriſoning, and being diſpoſed of at pleaſure, have adviſed his Majeſty at one blow to deſtroy all theſe Lawes, and revive all thoſe grievances, by ſetting on foot an old antiquated illegall Commiſſion of *Array* (which never was but Temporary,) and to protect and defend thoſe, that in a warlike manner, with Banners diſplayed, have attempted to put it in Execution, and reſcued themſelves from the Iuſtice of Parliament,

And

And them that have adviſed his Majeſty, having withdrawne himſelfe ſo long and ſo far from his Parliament, to command alſo away the Members of both Houſes upon their Allegiance, and after to lay an imputation of weakeneſſe upon the *Parliament*, in reſpect of the abſence of their Members, and of wickedneſſe, as if thoſe Members had withdrawne themſelves out of Horror of the proceedings of both Houſes of Parliament, or had bin by fraud and violence driven from their Councels, and them that have adviſed his Majeſty to ſend for the Lord Keeper away, with the great Seale, whoſe attendance with the Seale upon the Parliament, is ſo neceſſary in many particulars, and under colour of *Proclamations* under the Great Seale, and otherwiſe by Declarations and Meſſages, to contradict the juſt and neceſſary *Reſolutions* of the higheſt Court within this Kingdome, which is the *Parliament*, and to caſt inſufferable and heretofore unheard of Scandals and Calumnies upon their perſons and proceedings: And they that have counſelled his Majeſty to forbid the Summons of Parliament to be obeyed, which reduceth the knowne and undoubted Power and Priviledge of the higheſt Court of Juſtice to nothing, yea, to ſcorne and contempt (which is worſe then nothing) and them that perſwaded his Majeſtie to protect Delinquents from the Juſtice of Parliament, and to countenance the abuſing and beating of Meſſengers, ſent from both or either Houſe of Parliament, and reſcuing out of their hand a Delinquent, and that a knowne Recuſant, (which was the Caſe of *Beckwith*) and that amongſt other things, for ſecretly plotting and conſpiring by practiſe with ſome of the Officers of the Garriſon of *Hull*, to poſſeſſe himſelfe of that Towne and Fort (by which example, the world may ſee what kind of people they are, that are moſt active to get that Towne out of the hands whereunto both Houſes of Parliament have intruſted it.) Wee ſay wee could wiſh, that all ſuch as have counſelled his Majeſtie to ſo frequent, ſo evident, ſo high breaches of priviledges of Parliament, could truly ſay they had never harboured a thought againſt the juſt freedome and priviledge of Parliament; and we pray God to forgive them for it.

For that concerning our inclination to be Slaves, it is affirmed, *That his Majeſtie ſaid nothing which might imply any ſuch inclination in*

70

we: but ſure, what-ever be our inclination, ſlaverie would be our condition, if we ſhould goe about to overthrow the Lawes of the Land, and the proprietie of every mans eſtate, and the libertie of his perſon. For therein we muſt needes be as much Patients as Agents, and muſt every one in his turne ſuffer our ſelves, what-ever we ſhould impoſe upon others; as in nothing we have layd upon others, we have ever refuſed to doe or ſuffer our ſelves, and that in a high proportion. But there is a ſtrong and vehement preſumption, that we affect to be Tyrants; & what is that? becauſe we will not admit no Rule to govern by, but our own wils: and what preſumption, either ſtrong or weake, is there for that? Certainely, the preſumption is ſtronger and more vehement, that they will admit no other Rule to governe by, but their owne wills; that will not admit the Rule to be their Guide in any other ſenſe then they themſelves pleaſe to underſtand it, againſt the judgement of the competent Judges thereof, which is the high Court of Parliament. And as the miſerie of *Athens* was at the higheſt, when it ſuffered under thirtie Tyrants; ſo will the miſerie of *England* be at the higheſt, when it ſhall be at the devotion of three hundred Cavaliers, and protected againſt the Parliament by the Souldierie.

We ſhall never refuſe to acknowledge the Acts of grace & favour receiced from his Majeſty, when there is occaſion ſo to do: but we muſt confeſſe, we did not thinke that the ſeaſon nor the place to doe it in, when we were to Vindicate both Houſes of Parliament from a horrid and cauſeleſſe imputation of countenancing Treaſon by an Order of Parliament, by whoſe advice and meanes it is well knowne thoſe Acts were all obtained and procured.

And for the inſolencies & injuries wherewith we are charged: If the deſign of bringing up the Army to awe the Parliament, carryed on in ſeverall wayes, and more then once repeated (for which, there are not onely bare Votes, but Depoſitions upon Oath:) If the accuſation of the Members of Parliament without Witneſſe, and without any Cauſe ſhowne to this day: If that unparalleld Act of his Majeſties comming to the Houſe of Commons, to take away the Members thereof by violence out of that Houſe, which ſhould be as free from Apprehenſions of Force, as from Imputations of Faction: If vile Slanders and horrid Crimes, charged upon both Houſes of Parliament, together with the unpreſidented breaches

breaches of priviledge of Parliament (before ſpecified) tending to the deſtruction of the very being of Parliaments, have beene things done to us this Parliament. And if we did put it in iſſue, whether any ſuch thing had been done by any of his Majeſties Predeceſſors as had been done (we did not ſay by his Majeſtie) to us this Parliament, and that no ſuch thing, nor any thing neere it, hath been alledged; where is the Injuries? where is the Inſolencies? But moſt injuriouſly, moſt maliciouſly it is affirmed by the contrivers of this Anſwer, *That we told the King, that we might without want of modeſtie and dutie depoſe him.* Did we ſo much as once name that word, the ſignification whereof we profeſſed, that we did not ſuffer ſo much as to enter into our thoughts? Did we ſay, that with dutie and modeſtie we might depoſe the King, becauſe we ſaid we never ſuffered it to enter into our thoughts? Or doe not they rather ſay it, that will neede make Preſidents to be Rules and Patternes? Sure, when we ſaid, *That ſome Preſidents were ſuch, as that they ought not to be Rules for us to follow*, wee might by any ingenious Reader, with much more probabilitie, been thought to have intended thoſe of depoſing Kings, then to have ſaid, that with dutie and modeſtie Kings might be depoſed; becauſe we affirmed that we had not ſuffered ſuch things to enter into our thoughts. Whoſoever reades that Clauſe of our Declaration, will ſee clearely, that our Diſcourſe tendeth to this onely, That as there was little reaſon to binde us up to Preſidents, becauſe ſome were not good, and all might fall ſhort of the preſent caſe and occaſion; ſo there was little reaſon, if we ſhould make all Preſidents Patternes to upbraid us, as impudent and diſloyall, in compariſon of former Parliaments, when all the world knoweth they had done more then we would ſuffer our ſelves to entertaine into our thoughts.

And now we leave it to every man to judge, with what candor our words and actions are repreſented to the view of his Majeſtie and of the Kingdome; and whether, in ſtead of anſwering of our Reaſons, it hath not beene the principall ayme of the Contrivers of that, and other late Declarations, by any meanes (how unjuſt, how untrue ſoever) to render the Parliament odious to ſimple people, who they hope will never examine the.

truth and grounds of what is ſaid, and to whom they cauſe their Declarations to be read ſo carefully in the Churches. And although they would perſwade his Majeſtie, That there is little confidence to be placed in our modeſtie and dutie; yet, as God is witneſſe of our thoughts, ſo ſhall our Actions witneſſe to all the world, that to the honor of our Religion, and of thoſe that are moſt zealous in it (ſo much ſtrucken at by the contrivers of that Declaration under odious names) we ſhall ſuffer more from and for our Soveraigne, then we hope God will ever permit the malice of wicked Counſellors to put us to, and though the happineſſe of this and all Kingdomes dependeth chiefly upon God, yet we acknowledge that it doth ſo mainly depend upon his Majeſtie and the Royall branches of that Root. That as we have heretofore, ſo we ſhall hereafter eſteeme no hazard too great, no reproach too vile, but that we ſhall willingly goe through the one, and undergoe the other. That we, and the whole Kingdome may injoy that happineſſe, which we cannot in an ordinary way of providence expect from any other Fountaine or Streames, then thoſe from whence (were the poyſon of evill Counſells once removed from about them) we doubt not, but we and the whole Kingdome ſhould be ſatisfied moſt abundantly.

We doe ſtill acknowledge, that it were a very great crime in us, if we had or ſhould doe any thing whereby the Title and intereſt of all the Subjects to their Lands were deſtroyed, But doe we deſtroy his Majeſties, or any mans propriety, becauſe we ſay the Parliament may diſpoſe of ſuch things wherein they have a right (ſuppoſe of propriety) in ſuch away as the Kingdome may not be indangered thereby?

But we call our ſelves the Parliament, And did not our Anceſtours doe ſo in all times, ſince there were Parliaments? *But we challenge that power without his Majeſties conſent*: And did we not ſeeke his Majeſties conſent? If his Majeſty, ſeduced by wicked Counſell, will not hearken to us in thoſe things that are neceſſary, for the preſervation of the Peace and ſafety of the Kingdome, ſhall we ſtand and looke on, whilſt the Kingdome runs to evident ruine and deſtruction? *But we arrogate to our ſelves alone the judgement of this danger, this neceſſity, this common good of the Kingdome, and thereby unſettle*

unsettle the security of all mens Estates, and expose them to an Arbitrary power of our owne; And doe not they doe the like and worse, that attribute the sole judgement of this danger, this necessity, to themselves, (who are no Judges at all) against the judgement of the Representative Body of the whole Kingdome, or at least to his Majesty alone, who out of his Courts is not Judge of the least damage, or trespasse done to the least of his Subjects?

There must be a Judge of that Question wherein the safety of the Kingdome depends (for it must not lye undetermined) If then there be not an agreement betweene his Majesty and his Parliament, either his Majesty must be the Judge against his Parliament, or the Parliament without his Majesty; If his Majesty against his Parliament, why not as well of the necessity in the Question of making a Law without and against their consent, as of denying a Law against their desire and Advice. The Judge of the necessity in either case by like reason is Judge in both; Besides, if his Majesty in this difference of opinions should be Judge, he should bee Judge in his owne case, but the Parliament should be Judges betweene his Majesty and the Kingdome, as they are in many, if not in all cases. And if his Majesty should be Judge, he should be Judge out of his Courts and against his highest Court, which he never is, but the Parliament should onely judge without his Majesties personall consent, which is a Court of judicature, it alwayes doth, & all other Courts as well as it, if the King be for the Kingdome, & not the Kingdome for the King. And if the Kingdom best knowes what is for its owne good and preservation, and the Parliament; and the Parliament be the Representative Body of the Kingdome, it is easie to judge, who in this case should be the Iudge; But it is not so easily to understand what is the danger of unsetling, by this meanes the security of all mens Estates; Is all this danger kept off us by his Majesties single Vote? Are all mens Estates without security, and opposed to an Arbitrary Power, because in all Courts of Iustice, and in the high Court of Parliament (and that without any appeale from it) mens Estates and interests are judged without his Majesties personall Assent? We doe not say this, as if the Royall Assent were not requisite in the passing of Lawes nor doe, or ever did we say, That because his Ma. is bound to give his

his consent to good Lawes, presented unto him by his people in Parliament: that therefore they shall be Lawes without his consent or at all Obligatory. Saving onely for the necessary preservation of the Kingdome whilst that necessity lasteth, and such consent cannot bee obtained. But wee said it, to this end, that the King dome may see that the Contrivers of the late Declarations seeke to possesse the people with feares and jealousies of an Arbitrary power in the Parliament, upon far lesse ground, then we are said to amuse them with feares of forraigne Forces, whereof the danger might be apparent (which is ground enough enough for prevention) though not reall, and reall, though not effectuall, because prevented or diverted; *But we are no Parliament, no Maior part of both Houses, but a Faction prevailing against a Maior part of both Houses, and pretending them to be evill Counsellors, a Malignant party about his Maiesty &c.* This is something indeed, this would goe far in answer to our Declaration, which without it were not so easie to be answered. A Faction prevailing against the Major part of both Houses, & pretending them to be a Malignant party, is like indeed to destroy the rights both of King and people. And we will adde too, the common right also of all the people, and the conservatory of all their rights, which is the Parliament. And because this is so, therefore doe we beleeve this is endeavoured to be done by the Malignant party about his Majesty, which by cunning and force, labours to prevaile against the true Major part of both Houses, pretending them to be a Faction of Malignant, Schismaticall, and ambitious persons, that would subject both King and people, to their owne lawlesse Arbitrary power and government.

But a Faction prevailing against a Major part of both Houses. Where is that Maior part? about his Majesty? impossible; Some some twenty of the House of Commons, and some thirty of the Lords (whereof none can Act any thing there, in the capacity of a Member of Parliament) be the Maior part of both Houses at London, that a Faction hath prevailed against? when? How did the Faction prevaile against them? by cunning; when were the Major part so foolish, as to bee prevailed over by cunning, as that they should suffer themselves to bee Voted a Malignant Partie? Why were they not so wise when they understood it

unvote themſelves, and vote that faction a Malignant party? What Parliaments, what Lawes ſhall be unqueſtionable, if this may paſſe for an exception? *By force that faction prevailed*; that were ſomething indeed, but what was that force? when did that force begin? when ſhall it end? It were well we knew what or whether any of the Acts made this Parliament ſhall hold good or no. Why did not the major part of both Houſes Vote that force? and why did not they agree with his Majeſty to adjourne themſelves to *York*, that they might be free from that force? *By abſence that faction prevailed againſt them:* And why were they abſent? why doe they not come when all meanes are uſed by the Houſes to make them attend the ſervice of Parliament? why are they commanded? why are they kept away? and yet neither Houſe is ſo thin as the penners of that Declaration would make the world beleeve; and if the major part of thoſe that are abſent had been of a contrary opinion to the major part of theſe that are preſent or comming together, could have made the major part preſent, neither had they been abſent, nor had the Major part preſent been called a faction which overthrowes all Lawes and Parliaments that have been heretofore.

By accident the major part was prevail'd againſt:

What is meant by that, we underſtand not, but we underſtand well that ſuch exceptions as theſe, may be made uſe of to overthrow *Magna Charta* and all the Parliaments and Lawes that ever have been heretofore, or ſhalbe made hereafter.

For the Tragedie cited out of Mr. *Hooker*, no doubt the contrivers of that Declaration intended rather to Act a Comedy upon both Houſes of Parliament, then that they could beleeve in their own hearts, that they were ſo fanaticall in their own opinions (however it ſerves their turne to repreſent them under ſuch names and notions to the people) or ſo low in their fortunes, as that they ſhould need to take up a vizard of hippocricie and abuſe holy Scripture, for to make ſpoyle of every mans Eſtate and goods, and as we muſt leave the framers of ſo odious a compariſon to the judgement of God, who knowes whom they meane under that name of *Anabaptiſts*, and with what heart and Spirit they ſo needleſſely and impertinently, at this time mentioned the talking of nothing but Faith and the true feare of God, ſo if ever God ſhall diſcover the foule Authors of ſo falſe a Calumnie, we doubt not but the Kingdome will be very ſenſible

ſible of it, and eſteeme that they can never doe themſelves right, but by bringing to condigne puniſhment, ſuch perſons as could find in their hearts to lay ſo vile an imputation upon the Parliament; a name that alwaies hath, and we hope alwaies ſhall be of ſo great honour and Reverence within this Kingdome.

If the contrivers of that Declaration, which undertake to declare what is Law, againſt the judgement of Parliament, do it no better then they declare Logick and ſenſe, the Kingdom muſt needs be very ill ſatisfied both in their Law and in their Logick: Doth not all man-kind know, that a ſeverall right is not the ſame right, what Logick is this? *Severall men have ſeverall rights in the ſame thing; Therefore ſeverall men may have the ſame right in the ſame thing.* Was it not demanded in that Declaration under his Majeſties name, *What right any man had to his Land or Houſe, that the King had not to his Towne of* Hull? Was it not demanded, *What Title any man had to his money or Plate, that His Majeſty had not to his Magazine there?* If it had been ſaid onely that the King had an intereſt in them, that is of Seignurie and Truſt for the publique good, we had taken no exception to it; but when it was affirmed, that it was the ſame right that every man hath to his Lands, Houſes, and Plate, we ſaid, and we ſay ſo ſtill, that it confounded and deſtroyed the property of every particular man, for ſeverall men and the ſame men, may have the ſame right in ſeverall things, and alſo a ſeverall right in the ſame things, but ſeverall men cannot have the ſame right in the ſame thing, and the one not confound the other. The Lord *Paramount*, the *Meſne* Lord and the Tenant have the ſame right *viz.* of propriety, but not in the ſame things; the Lord Paramount hath it in ſom chiefe Rents and ſervices and other things the Meſne Lord in others, and the Tenant hath propriety in the reſt, and neither hath the Tenant any thing to doe with thoſe chiefe Rents and ſervices that belong to the Meſne Lord nor the Meſne Lord with what belongs to the Lord Paramount but the objects and extents of their rights are diſtinct and different; On the other ſide the Right of the King as King is in the ſame things, and of the ſame extent with that of the proprietarie but it is of a different nature and for different ends: That of the Proprietarie is a right of proprietie which he may diſpoſe of as he pleaſeth according to his own diſcretion, for his own advantage, ſo it be not contrary to the publique good; but the right of the King is only a right of Truſt, which he is to manage for ſuch

ſuch wayes and by ſuch Councells as the Law doth direct, and only for the publique good, and not to his private advantages, nor to the prejudice of any mans particular Intereſt, much leſſe of the publique; And in this way there is nothing that a man hath a propriety in, but the King hath an intereſt in it in relation to the government of the Kingdom: A man cannot diſpoſe of his Perſon or Lands to the aſsiſtance of Traytors; he cannot receive a Traytor into his houſe, he cannot give him a peny of money, ſo that a mans houſe, his perſon, every foot of his Land, every penie in his purſe, are ſubject to his Majeſty, according to the nature of his truſt for the publique good, and no otherwiſe; and in all other reſpects belong to the owner to diſpoſe of to his own privat advantages as he ſhall think good: And if ſome men have a right in Leaſes or Lands which they cannot let nor ſell, yet ſome men have ſuch a Right in their Houſes and Lands, that they can both Let and ſell them, and diſpoſe of them as they pleaſe, and therefore ſome men have a Right in their Houſes and Lands which His Majeſty hath not in his Towne of *Hull:* And for thoſe that have their Intereſts limited to certaine uſes, if they have them to their own uſe, there is hardly any ſo limitted, but that they may diſpoſe of them by guift or ſale to ſome body (as to thoſe to whom they belong in reverſion) if not to any bodie that they pleaſe, at leaſt (which is only to our purpoſe) as we doe grant, that an Intereſt which any man hath, may not be taken from him, becauſe it is limited to certaine uſes; ſo muſt it alſo be granted to us, that becauſe it is limitted to ſuch uſes, it may not be imployed to any other, eſpecially they that have Intereſts onely to the uſe of others (as all Intereſts of Truſts are) cannot imploy them to their own or any other uſe then that for which they are intruſted: And if the Houſes of Parliament could have been aſſured that they, who adviſed His Majeſty to goe to *Hull*, intended that no other uſe ſhould haue been made of that Towne and Magazine but for the publique good and ſafety of the Kingdom, for which they were entruſted to him, there never had bin ſo much diſpute about that buſineſſe.

For the Magazine, we ſay ſtill as we ſaid before, it is not taken from His Majeſty becauſe it is taken from *Hull*, and if it were bought with the publique money, it could not be given away, ſold or diſpoſed of to private uſes, and was onely intruſted to His Majeſty for the uſe of the publique:

But we only conceived it to have been bought with publique money

And had we not good reaſon ſo to doe, when we had it in evidence from the Accompts of the Collections of Tonnage and Poundage, that 32272*l.* was imployed out of thoſe moneys to that uſe, and that the Armes of the Trained Bands of ſeverall Counties were depoſited there.

But a truſt cannot be recald or deſtroyed at pleaſure

We ſay ſo too, and that we have neither deſtroyed nor invaded that of his Majeſty, becauſe we directed it (as to us it did appertaine) into the right way and to the right ends.

No, but we have nothing to do with the manageing of his Majeſties Truſt, or to adviſe his Majeſty therein, or to have any accompts of the diſcharge thereof, becauſe it belongeth only to his Majeſty and his heires, and we are to have no accompt at all of it?

Doth His Majeſty owe an Accompt to his other Kingdoms of his Office and dignity of a King in this Kingdom, a ſtrange Paradox! yet declared in His Majeſties name in His Anſwer to our Remonſtrance of the 19. of *May*. And is there no Accompt due to this Kingdome? But how doth it appeare that the Houſes of Parliament have nothing to doe with the diſcharge of his Majeſties Truſt.

Becauſe the people that ſent us could not place ſuch a truſt in us, ſince they could not looke upon us otherwiſe then as upon an uncertaine and temporarie Body, called at pleaſure, diſſolvble at pleaſure.

The experience of former ſufferings, hath a litle awakened us, and we have reaſon ſtill, hearing this kind of diſcourſe, to be watchfull in this point of calling and diſſolving Parliaments which never was other then a truſt repoſed in the Kings of this Realm, and never intended as a Prerogative, wherin they might uſe their pleaſure what ever the exigence of the Kingdom ſhould be; if this were a thing depending wholly upon their pleaſure, all our Laws which we have by and for Parliaments, and all remedies which we can expect from Parliaments in point of juſtice and in point of Law, and Parliaments themſelves, would be very litle worth to us: did the people intruſt the King with a power to call them together in Parliament once every yeare by two expreſſe Statutes, and oftner if need required and to diſmiſſe them when all Petitions and grievances were heard and redreſſed, and not before, and did they it with an intent that whatſoever the neceſsity of the Kingdom ſhould be, it might be uncalld or abruptly broken off at pleaſure? If the Ports of a Towne be intruſted

to

to the Governour thereof, to open and shut for the use and security of the Inhabitants, is it with an intent that he should shut them in the day, when every body should goe about his affaires, and set them open at midnight when unruly persons might have the better opportunity to commit disorders? If ever an equitable sence of the Law had place, here it hath; but we have no need of it this Parliament, and what we now injoy by Act of Parliament, our Ancestors did claime the same in effect, as of common right, that no Parliament should be dissolved so long as any Petitiou remained unheard and undetermined.

Another Reason alleadged by them to shew that wee have nothing to doe to intermedle with the Kings trust is, *because by our writ we are called onely to Councell the King not to command and controule him, and to Counsell him onely in some things not in all* (in quibusdam irduis) *and the example of* Wentworth *his Commitment is alleadged to his purpose.* We are a Counsell, and are we not his Majesties great Counsell; and as such, are wee not to advise his Majestie in the managing of the trust reposed in him? it is said *that wee are not to advise in all things.* It is true, because all things are not worthy of a Parliament, but if they are proper to advise his Majestie in (the greatest and most difficult matters (which therefore are expressed in the writ) are they not to bee hearkened to in matters of lesse importance, or is not the matter in question of a great, high, and difficult nature? or is the Parliament bound up onely to those ends for which the King calls them? And have they nothing to say or do in the behalfe of the Kingdom? and as for that example of the Commitment of *Wentworth*, we know the best tims often produce the worst presidents in some particulars, and in Queen *Elizabeths* time, (though generally a time of great honour and happinesse to this Kingdome) yet there were some very ill Presidents whereof this was one.

But the Parliament *is a Counsell.*

And is it not also a Court, and doth not that Court call to an accompt all other Courts of Justice and all Officers and Ministers under his Majestie, even for such things as they shall doe against the Law, though by his Majesties expresse command; and what is this but to take an accompt of the discharge of His Majesties trust? The Law exempts His Majestie from accompt in no other sence then it exempts him from fault, because he is to doe Publique affaires of the Kingdom by his Officers and Ministers of State, and not by himselfe, and they are to give an accompt of

How the King is exempted from doe.

75 D 3 That

that which the King doth by them, in which respect Sir *William Thorpe* Chiefe Justice in *Edward* the third his time, was charged for breaking the Kings Oath, as much as in him lay.

We are said to be a Counsell.

And are we not also two Estates, and two Estates comprizing the Persons of all the Peeres, and the representative Body of all the Commons of *England*? and shall the Collective Body of all the *Kingdom* have nothing to do to look into the discharge of that Trust that is onely for the use and benefit of the Kingdom? nor be inabled with any power, to prevent danger & ruine, that they see ready to seize upon the Kingdom.

A third Reason alleadged, why we are not to intermeddle in the managing of His Majesties Trust is.

Because it exceeds the bounds of our Trust, for that the Oaths (that they which sent us, and we our selves have taken) maketh them uncapable to give, and us to receive such a Trust.

What are those Oathes? Those wherein it is expressed, that His Majestie is Supream Head and Governour over all Persons, and in all Causes within his Dominions, and therefore we have no power to see that His Majesties Trust be managed, according to the true intent and Condition thereof; If wee should say the King hath in *Populo regendo Superiores, Legem per quam factus est, et Curiam suam videlicet Comites et Barones, &c.* it were no new Doctrine, we have an ancient Author for it.

Fleta libro 1mo Capite Decimo septimo de Justiciarijs Substituendis

If we should say, *rex est major singulis minor universis* it were no new learning, and certainly this of Supream Head & Governour over all Persons in all Causes, as it is meant of singular Persons rather then of Courts, or of the Collective Body of the whole Kingdom, so it is meant *in Curia non in Camera*, in His Courts, that His Majestie is Supream Head and Governour over all Persons in all Causes, and not in his private Capacitie. And to speake properly, it is onely in his high Court of Parliament, wherein, and wherewith his Majestie hath absolutely the Supreame power, and consequently is absolutely Supream Head and Governour, from whence there is no appeale: And if the high Court of Parliament may take an accompt of what is done by His Majestie in his inferiour Courts, much more of what is done by him, without the Authority of any Courts. We are sorry that we are invited, or rather inforced to Questions of this Nature, but we cannot avoyd it, when such Doctrine shall bee Preached to the People

ple (for theſe Declarations are read to them by Miniſters in their Churches) that by the Kings Supremacie is meant a Power inherent in the Kings Perſon, without, above, againſt all his Courts, the high Court of Parliament not excepted, ſo that hee may comptrole the proceedings of any Court, whereby the excellent conſtitution of this well governed Kingdom, wherein the Laws are the rule of the Kings Government, and Actions and his Courts the Judges of the Laws would be turn'd into a meer Arbitrary Government depending ſoly, and wholy upon the will and pleaſure of the Prince as Supream Head and Governour, not only ouer particular Subjects, but alſo over all his Courts, and conſequently over his Laws.

For thoſe high and groundleſſe aſperſions caſt upon us. *As if wee did abuſe our Truſt to the deſtruction of His Majeſtie, the diſſolution of his Government and Authority, and to make our ſelves perpetuall dictators, over the King and People &c.*

They are of the like Nature, with many more of that kind, wherewith that Declaration is ſtuft, which as they are without all ground of proof: So there will be no end or neceſsity of anſwering them; but as we never allowed the People to make an equitable conſtruction of the Lawes and Statutes, ſo it cannot in reaſon be denied to the Supream Court of Judicature, for to doe it when there is a cauſe ſo to doe: And we hope the People will never bee carried away with a noiſe of words and reproaches againſt the Parliament, without any colour of proof to make any ſuch equitable conſtruction of the Act for continuance of this Parliament, as may tend to the diſſolution thereof, and their own deſtruction therein and that of the Kingdome of *Ireland*, together with them; As we ſaid before ſo we ſay ſtill, that wee ſhall never allow by way of conſent and not of comptrolement, (in which ſence wee hope the expreſsion is humble and dutifull enough) that His Maieſty ſhould bee Judge of the Law out of his Courts: So wee muſt avow that the high Court of Parliament is the competent and higheſt Judge of the Law, and yet we neither make our ſelves Popes, nor Rebells in ſaying ſo or doing ſo: we did not ſay that the Parliament without his Majeſtie had a power of declaring the Law. So as their Declaration ſhould be a generall rule to all caſes but to declare the Law in a particular caſe in Queſtion before them, it is no more then they alwaies did. and his Majeſtie himſelfe in a former Declaration granteth

ſelfe in a former Declaration granteth, that we have power to do.

But what if the Parliament judge that to be Law, which all the world ſees is not Law.

And what if his Majeſtie and a few private Perſons about him Judge that not to be Law, which all the World ſees to be Law? whether the preſumption doe not lie ſtronger, where the Law hath placed no power of Judicature then where it hath placed it in the higheſt and laſt reſort, let all the World judge. For the Rebells in *Ireland*, as that Kingdom is very different from this, ſo is their caſe from ours: we deſtroy none, we murder none, we rob none, by our Ordinance of *Militia*: But the arguments that are drawne out of this diſcourſe againſt the power of judging what is Law by the Parliament, are two, one is drawne from inconvenience, the other from abſurdity.

From inconvenience becauſe if a major part in Parliament ſhould be judges of the Law, Rebells or the Malignant partie might come to be the major part, and then what ſhould become of the Kingdome? From abſurdity, that a thing which was not neceſſary nor Law, whilſt the two Houſes diſagreed, ſhould after become neceſſary and Law.

The anſwer to that Argument of Inconvenience, and danger if the Major part of both Houſes of Parliament, ſhould be Judges of the Law, is, that of two dangers, the leſſe is to be choſen there would be more danger if the judgement of the Law ſhould bee in the breaſt of one man who is more liable to miſtakings and paſſions, and particular reſpects unto himſelfe, to the prejudice of the Publike, then ſuch a Body choſen out of the whole Kingdom is like to bee, and if a Kingdome muſt ſuffer, it ſuffers moſt juſtly from it ſelfe as it doth when it ſuffers from a Parliament whom they have choſen, and whoſe act is their owne.

For the Abſurditie wherein doth it appeare that the Lords Houſe ſhould be of one opinion at one time, and afterwards bee of another? or rather that this alteration in the Votes of the Lords Houſe, ſhould make that neceſſary and Law one day, that was neither neceſſary nor Law the day before? We doe not ſay ſo, it was as neceſſary before, and it was as much Law before that in ſuchcaſes of neceſsitie the Houſes of Parliament ſhould have a power to provide for the ſafety of the Kingdom, but that neceſſitie, that Law was not ſo unqueſtionable before, nor was the rule ſo cleere for them that ſhould obey as when it was judged by the Chiefeſt Court of Judicature within this KINGDOME. But now followeth an high and heavy

Charge

Charge against us, *That to justifie the Invasion of his Majesties ancient unquestioned undoubted right, settled and established on his Majestie and his posteritie by God himselfe, confirmed and strengthned by all possible Titles of compact Lawes, Oathes, perpetuall and uncontradicted Custome by his People, Wee have alledged an Oath, that is or ought to be taken by the Kings of this Realme, as well to remedie by Law, such inconveniences as the Kingdome may suffer, as to keepe and protect the Lawes already in being.*

Wee confesse the Framers and Penners of that answer might have had some colour to have taxed us, for the breach of our Oathes, if wee had invaded the ancient unquestionable undoubted Rights of his Majestie, wherewith the People of this Nation by the Lawes and Customes of this Land, have invested his Majestie, and his Posteritie; and God also himselfe hath ratified unto them by confirming and strengthning those Lawes, Customes, and Compacts. But wherein consists the Invasion of any such unquestionable undoubted Right of his Majestie, and wherein consists the Justification of any such Invasion; In that wee have declared (as they say) *that there lyeth an Obligation of an Oath upon the Kings of this Realme, to passe all such Bills as are offered unto them by both Houses of Parliament.*

Wee did not say so, but wee did and doe say, that the Oath which is or ought to be taken by the Kings of this Realme, doth oblige them to passe all such Bills as are offered unto them by both Houses of Parliament, in the name and for the good of the whole Kingdome, and as well to remedie by Law such Inconveniences as the Kingdome may suffer, as to keepe and protect the Lawes already in being; and to all the exceptions that have been taken, to what wee have alledged concerning the Oath, which ought to be taken by the Kings of this Realme at their Coronation, wee shall give such answers as wee doubt not but will be very cleere and satisfactory, to every man that shall reade, and consider them.

The first exception is ; *That it is a thing that was never heard of till this day, that any such use should be made of the Oath.*

This exception wee shall have sufficiently cleered, when wee shall have made it appeare, that it hath been ordinarily so taken heretofore, and that also, amongst others by a learned Judge (so termed by his Majestie himselfe in a late Proclamation) and that the Lords and Commons some hundred yeares since, have so taken it, and so claimed it of the King, who did not deny it, and that another King afterwards expressely declared and acknowledged it in Parliament, as appeareth upon Record. That it hath beene ordinarily so taken, appeares by a *Memorandum* upon Record at the Coronation of *Richard* the Second, wherein the heads of the Oath being set downe, that Clause of the Oath, concerning the Kings strengthning such Lawes as the people have chosen or shall choose, the matter is not great whether way it be rendred, so it be understood always that the Lawes referre in that Clause to the Royall assent as a thing future and not passed (as they doe) is rendred thus ; *Ac de faciendo per ipsum Dominum Regem eos esse protegendos, & ad honorem Dei, Corroborandum quas vulgus iuste & rationabiliter eligerit* ; which expression, with that qualification, which the people should justly and reasonably choose, clearely relates to new Lawes that should be chosen by the people ; And in all the Alterations in the forme of the Oath, that wee can finde, excepting that which was taken by his Majestie, and his Father King *James*, (wherein the word *Choose* is wholly left out, as well hath Chosen as will Choose) that Clause is understood of new Lawes to be made, as in that Oath which *Henry* the Eighth Corrected and interlined with his owne hand, (whereof there is a Copie amongst the Memorialls of the Archbishop of *Canterbury* at *Lambeth*) the Clause in question, that is, [and affirme them which the folke and people have made and chosen] is interlined by him thus : Instead of Folke he put Nobles and people

Rot. Claus. 2. R. 2. nu. 44.

Charge

ple, and after the words, *Made and Choſen*, he added, *With my conſent*. And in the Oath of *Edward* the Sixt, which is to be ſeene at *Lambeth* alſo, the Lord Protector and the other Coexecutors holding it neceſſary to correct the Ceremonies and Obſervances uſed at the Coronation of the Kings of this Realme, in reſpect of the tedious length of the ſame; and alſo for that they conceived, that many poynts of the ſame were ſuch, as by the Lawes of this Realme, at that preſent, were not allowable (as is there expreſſed) they altered ſeverall Clauſes in the Oath, and the Clauſe in queſtion they changed into this following:

[Doe you graunt to make no new Lawes, but ſuch as ſhall be to the honour and glory of God, and to the good of the Common-wealth, and that the ſame ſhall be made by the Conſent of your people, as hath beene accuſtomed.] By all which it clearely appeares, that in that Clauſe of the Oath; *Et ad honorem Dei, Corroborandum quas vulgus eligerit*; His Majeſties royall aſſent to new Lawes was generally underſtood to be meant. And for the learned Judge wee ſpake of, it was Juſtice *Hutton*, who not onely taketh the Oath in this ſence, but publiquely declareth in his Argument in Maſter *Hampdens* Caſe, concerning Ship-money, that he conceived that it was in reſpect to their Oath, that the Kings of this Realme never make a direct denyall to ſuch Bills as are tendred unto them from both Houſes, but onely give that Anſwer, *Le Roy Aviſera*.

Juſtice *Hutton* in his Argument in Mr. *Hampdens* caſe *Page* 32.

As to the Claime of the Lords and Commons, it was in *Edward* the Thirds time, and the King denyed it not, as may appeare by the Preamble of the Statute cited by us in our Declaration to this purpoſe, and recited by the Penners of that Anſwer, but without thoſe words, which were the words, for which wee cited it, that is, Hee ought and is bound by his Oath: For the expreſſe Declaration and Acknowledgement of it by another King in Parliament; It appeares out of the Parliament Rolls. 3. *R.* 2. *n.* 38. and 40. where the Commons deſiring a Graunt of new power

78

to the Justices of Peace, to inquire into Extortions which the Bishops and Clergie conceiving that it might extend to the Bishops and their Ordinaries, they made their Protestation against this new Graunt, yet professed that if it were restrained onely to what was Law already, they would consent to it, but if it gave any new or further power, they would never give their Consent to it. The King answereth, that notwithstanding their Protestation, or any words contained therein, he would not forbeare to passe this new Graunt, and that by his Oath at his Coronation, he was obliged for to doe it.

By this time we hope it appeares, that wee have broached no new Doctrine in this point; and for the second Exception that is taken to what wee alledged concerning the Oath, it is this; *That no such thing as wee supposed, could be collected either out of the words or matter of that Oath, not out of the words, because* Elegerit *signifieth,* hath Chosen, *as well as* will Choose, *and that it doth signifie so in the Oath; the constant practise of all ages, and the word* Customes, *whereunto it is joyned, and which cannot have reference to such Customes as the people should choose after this Oath taken, doe (as they conceive) make it evident. Nor from the matter of the Oath can it be collected, Because the most materiall poynt in that Oath, might be destroyed by such a Construction thereof, and so a King might be sworne to doe that which would disable him to doe that which he was mainely sworne to doe; that is, to protect his people; of which power hee might wholly devest himselfe, if hee were bound to passe all Bills offered to him by the Houses. As in particular by passing the Bill of the* Militia, *his Majestie (as the Framers of this Answer make the world beleeve) should have done.*

We doe not deny but (*Elegerit*) may signifie, *hath Chosen*, as well as *shall choose*; In which sence wee take it, and it may signifie, *shall choose*, as well as *have chosen*; and it is usually so taken, for which wee neede not goe farther for an instance then to that Clause which is added

ded in the close of those questions, *Adjiciantur prædictis interrogationibus quæ justa fuerint:* which is not to be interpreted, that such things may be added to the aforesaid questions which have been just, but which shall be just, and it seemes above an hundred yeers ago, (shall choose) was thought as proper a Translation, as (have chosen) as may appeare in an old book in the Heralds Office, which belonged to *Claren-cieux Hanley*, that lived in *Hen.* 8. time, where the Oath is found three severall times in English, and in all of them it is rendred (shall) and not (have). But as we said before, it importeth not much whether way it be rendred, if still the sense be (as it may and ought to be understood) that the Choise should referre to such Laws as the People from time to time shall have chosen; and not onely to some Laws and Customes which were made before the taking of this Oath, and that it doth referre to such Laws as though they have been chosen and passed by the People, yet have not been passed by the Royall assent; and this we doubt not when we shall have cleared the Objections, to make very plain and evident.

The first Objection is, *From the perpetuall practise of all succeeding Ages which is said to be a better Interpretour then our Votes.*

What doth the perpetuall Practise of all succeeding Ages interpret? that this Oath did onely looke backwards to the Ages preceding the first Administration of it to any King of this Realme; This would exclude a great part of the Laws in being, and haply *Magna Charta* it selfe, from being comprised within this Oath, not onely as to the making, but also for the observation of them, and is expresly contrarie to what hath been constantly acknowledged by the Kings of this Realme, that they are bound by their Oath to the Observation of all the Laws made by their Ancestours, and also that shall be made by themselves after the taking of their Oath; But at least the constant Practise of all Ages interprets their Oath to be meant onely of Laws al-

ready made, and not of the making of new Laws, becauſe they have ordinarily denied Laws preſented unto them by their People in all Ages.

We know well what Kings have done in this point, but we know alſo, that what they have done is no good Rule alwayes to interpret what they ought to have done; For that they are bound to the obſervation of Laws by their Oath is out of queſtion, and yet the contrarie practiſe in all Ages will appeare as often, and in as many particulars as in the denyall of Laws which their People have deſired of them, and it is well knowne that the Laws for holding a Parliament once a yeere lay aſleepe for a long time, (yet the practiſe was no argument againſt the Right) But it appeares upon the Parliament Roll, 2. *H.* 5. That the Commons acknowledged the King might grant ſomething in their Petitions and Werne (that's their word) others as he pleaſed we deny it not, they did ſo, but thoſe were Petitions of the Commons onely, which they preſented to the King by Writ, or by the mouth of their Speaker (as is expreſſed in the ſame Roll) and it doth not appeare that the King denied any part of them; But by the advice of his Earles, Barons, and other great men (that is of the Lords Houſe) by whoſe advice it is expreſſed, that he conſented to ſuch points of them as he did aſſent to, and thoſe Petitions of the Commons which they preſented by Writ or by Mouth of their Speaker, as they were not weighed and paſſed with that conſideration and formalitie as Bills are, ſo they contained divers things of a different nature, and ſo the King might have reaſon to denie ſome of them, becauſe they might be meere Petitions of Grace, and of ſuch things wherein the King was to part from ſome thing that belonged to him as of particular right and intereſt, and of that nature thoſe things that have been denyed will be found to have been for the moſt part, if not altogether. But that Kings have ordinarily denyed publique Bills concerning the Government and Common good of the Kingdome that had paſſed both Houſes we are yet to ſeeke, or that ever they denyed any Bill otherwiſe then in that uſuall anſwer, *Le Roy Aviſera*, which

which if it be not a Conſent, it is not a denyall, nor doth a libertie of deliberation alwayes exclude a neceſſitie of Conſent; for the Will taketh Counſell of the Underſtanding. And yet all men hold it ought, and many that it neceſſarily muſt follow the laſt and ultimate dictate of the underſtanding; And yet we do not ſay, or ever did, but that ſome thing is left to his Majeſties Judgement and Conſcience in the paſſing of Laws, but he hath the obligation of an Oath lying upon him to diſcharge that truſt. And if ſome Kings have taken too great a latitude to themſelves in judging Laws to be ill or unreaſonable by their own private Judgements, contrary to the Judgement of their great Councell the Parliament. It doth not follow, that the Obligation was leſſe upon them, or that they ought not to have been very tender in going contrary to the advice of their great Councell in a matter concerning the good of the whole Kingdom, and wherein they lay under the tye and obligation of an Oath.

For that which is ſaid concerning Cuſtomes, *That the Oath could not be meant of Cuſtomes, that the people ſhould chuſe after the taking of this Oath.* What is more ordinary, then in a Clauſe wherein ſome words may belong to one part and ſome to another, to interpret it, *Reddendo ſingula ſingulis:* Though Cuſtomes could not be choſen, yet Laws might, and Cuſtomes might be kept, and protected; which words are in the Clauſe as well as thoſe of Chuſing and ſtrengthening. But why may not Cuſtomes be confirmed as well as Laws enacted? what is more uſuall then to confirm Cuſtomes by Statutes? for Cuſtomes being Lawes, that grow up by a Tacite Conſent of the People, they are more ſubject to queſtion then Statutes, eſpecially from the King, without whoſe aſſent they are taken up of the People, and therefore as the firſt part of the Kings Oath, is to keep all the Laws and Cuſtomes granted by his Anceſtors, and eſpecially thoſe of King *Edward* the Confeſſor; So in this Clauſe, he ſweares to keep, protect, and give ſtrength to ſuch Laws as ſhall be enacted for the good of the Kingdom, and ſuch juſt Cuſtomes as had not yet been expreſly granted by his Anceſtors, which his People ſhould deſire to have ratified and confirmed to them; For that Argument which is taken from

from the matter of this Oath, *That it cannot be meant that the King should be obliged to devest himself of a Power to protect his Subiects, which is the great businesse of that Oath.* If we had said (as we did not) that the King had been bound to passe all Bils that should be offered to him by both Houses of Parliament, without any limitation or qualification of Reason and Justice, yet such a supposition as this could not fall upon a Parliament: as if they could desire such a thing, much lesse, that a King were obliged for to grant it, But how unproperly this is applied to our Bill concerning the *Militia*, we leave it to every Man to judge, when they shall consider how necessary, how just, and how reasonable that Bill was, and how much they mistake the way and manner wherein his Majesty is to protect his Subjects that have advised him to deny that Bill; and to set up a Commission of Array so destructive to Libertie, and to the proprietie of the Subject; was it not necessary that the kingdom should be put into a posture of defence? on all hands is agreed, the people petitioned for it, the Parliament make it the ground of their Ordinance, the King maketh it the ground of his Commissions, All the question is concerning the way; And we shall make it good, that the maine point wherein his Majesty differed from us in the Bill concerning the *Militia* was this; That we desired the Power of the *Militia* should be put into the hands of Persons approved by his Majesty and both Houses, to be answerable to the Law for the discharge of their duties, and his Majesty would not admit of it, unlesse he might be Judge both of the time when, the Cause why, and the manner how, that Power should be exercised; And that in his own person out of his Courts; for in them he might have called them to an account for not doing, or doing what they should have done, or not have done; And if it is by the Law, and by the Courts of Justice judging of the Law, and by the *Militia* to maintaine the proceedings in them according to Law; That his Majesty is to protect his Subjects, our Bill for the *Militia* was so farre from devesting him of that Power, that it did give him a Power (which he had not legally before) to command the whole *Militia* in the Kingdome in an

in an orderly and effectual way, and all thoſe to whom it was committed to obey and aſſiſt him in the Protection of all his good ſubjects in their perſons and eſtates according to law, but if by the Protection of his Majeſties ſubjects, be meant the protecting of them from the ſummons and proceedings of his Courts, even of his higheſt Courts, and the making of himſelf ſole judge of the neceſſities and dangers of the Kingdome, againſt the opinion of the repreſentative body thereof, and of the Law, againſt the judgement of the higheſt Court in the Kingdome; If this be the protection which is intended to the ſubjects by the ſouldiers, it is more like to that we heare of in other Countries and never deſire to ſee in this, then to that under which the ſubjects have for ſo many yeeres lived with ſo much freedom and ſecurity in this kingdom; And we muſt leave it to every man to conſider within his own breaſt, whether our Bill for the Militia is ſo monſtrous, as it is repreſented; and muſt lay it upon the conſciences of thoſe that adviſed his Majeſty to refuſe it, and to take up ſuch other wayes in oppoſition to it, whether they have not been without all cauſe the chiefe if not the only cauſe of all the diſtractions and miſeries that are like to ruine this unhappy Kingdom.

And now that we have taken away the objections, there is no indifferent man that will not be perſwaded by the Authorities before cited out of Statutes, and otherwiſe, that this clauſe of the oath taken by the Kings of this Realm at their Coronation is meant of new Lawes to be made; and if it were not ſo, it could not well be underſtood what ſhould be the meaning of the word (*Corroborare*) which ſignifies together with others to give ſtrength to a thing, for what ſtrength could lawes that had paſſed the King and both houſes receive more then they had before, or to what purpoſe ſhould thoſe words (*Quas vulgus elegerit*) be put in but to puzzle the whole ſence, if it had been meant only of keeping the Lawes? and therefore in the oath which is ſet down in Engliſh, in that anſwer to our Declaration, the word (*choſen*) is quite left out, as altogether ſuperfluous, as indeed it would be if it had not relation to ſuch Laws as were to be offered and preſented to his Majeſty by his people. In the laſt place it is charged upon us, *That we have not dealt faithfully in the making uſe of a Latin Record when we might aſwell have ſet forth the form of the Kings Oath in Engliſh, even of that very Oath*

which his Majesty took at his Corbnation, which is said to be found in the records of the Exchequor.

The reason why we did not make use of an English record, was, because we could find none, nor can we yet finde any though we have caused diligent search to be made for it. yet we do beleeve that was the form of the Oath which was taken by his Majesty, and by his Majesties father King *Iames*, for we find it so amongst the memorials of the Archbishop of *Canterbury* concerning the Coronation of King *Iames*, and his Majesty, but we find in the same memorials, the form of the Oath in Latin particularly agreeing with that which was cited by us, and also in French fully agreeing with the Latin, and with the records thereof in French in *E.* 2. and *E.* 3. time, Therefore the form of the Oath appearing to be the same in Latine and French, for divers hundred yeers, and there appearing no such form as was used in English by his Majesty and his father before their time, & there appearing no alteration to have bin made but only in the English and that only since *Henry* 8. his time, and it being our purpose to cite the oath (not that was taken by his Majesty) but that anciently was, and of right ought to be taken by the Kings of this realm (which we doe not conceive any had power to alter without an Act of Parliament) we should have had no reason to have made use of that forme, if we had found it upon record, and the English being but a Translation out of the Latine and the French (in which language it was anciently taken by the kings of this realme) we should not stand in need of much Latine or French to find this form of the Oath set down in that answer, and which is said to have been taken by his Majesty to be no good translation, either of the Latine or of the French, and particularly as to the clause of the Oath in question that (*Elegerit*) doth not signifie only (*Haue*) and no more, and for the full satisfaction of every man we shal set down the form of the Oath, as we find it upon record in Latin and French, and in English, as we find it translated out of the French in an old booke in the Heraulds Office belonging to *Clarencieux Hanley* who lived in *Henry* the 8. his time, and though there be two other forms of the Oath in English in the same booke, whereof one is said to have been used at the Coronation of *Hen.* the 8. and the word (*Elegerit*) in both of those formes rendered in the future tense, yet we shall make use

uſe of that which is there expreſſed to have relation to the Oath as it is in French, becauſe we find that tranſlation to agree with the French, which we finde upon record to have been taken by *E.* the 2. and *E.* the 3.

Sire voulez vous grantes & garder & par voſtre ſerment confirmer au peuple d'Engleterre les Leys & les Couſtumes a eux grantees par les anciens Roys d'Engleterre vos Predeceſſeurs droitus & devotez a dieu & noment. au Clergie & au people par le glorieus Roy ſaeinct Edward voſtre predeceſſeur.

Reſpond. je les grante & promitte.

Sire garderez vous a dieu & a ſeint Egliſe & au Clergie & au people paiz & accord en Dieu entirement ſelon vo voſtre poaire.

Reſpons je le feray.

Sire grantes vous a tenir & garder les leys & les Cuſtumes droiture-les les quiels la communante de voſtre Royaume aur eſtu, & les defenderer & afforcerer al honneur de dieu a voſtre poare.

Reſpons je le grante & promette.

Out of an old book in the Heraulds Office.

Sir, Will you grant and keep, and by your oath confirme to the people of *England*, the Laws and Cuſtomes granted to them by ancient Kings of *England*, rightfull men, and devout to God; and namely, the Lawes and Cuſtomes, and Franchiſes granted to the Clergy and to the people by the glorious King *Edward*, to your power.

Sir, Yee keep to God and to holy Church to the Clergy and to the people peace and accord wholy after your power.

Sir, Yee do to be kept in all your dooms and judgments true and even righteouſnes with mercy and truth.

The King ſhall anſwer, *I ſhall do it.*

Sir, Will you grant, fulfill, and defend all rightfull Lawes and Cuſtomes, the which the Commons of your realm ſhall chooſe, and

shall strengthen and maintaine them to the worship of God after your power.

The King shall answer, *I grant and behete.*

Ex Rot. Parliament. 1. H. 4 n. 17.

Sequitur forma juramenti soliti & consueti præstari per Reges Angliæ in eorundem Coronatione quod Archiepiscopus Cantuar. ab iisdem Regibus exigere & recipere consuevit prout in libris Pontificalium Archiepisc. & Episc. plenius continetur.

Quod quidem juramentum Richardus Rex Angliæ post Conquestum secundus in Coronatione sua præstitit & ab Archiepisc. Cantuar. erat receptum & illud idem juramentum dictus Rex post modum iteravit prout in Rot. Cancellarii plenius reperiri poterit de record.

Servabis Ecclesiæ Dei Cleroque & populo pacem ex integro & concordiam in Deo secundum vires tuas.

Respondebit, servabo.

Facies fieri in omnibus judiciis tuis æquam & rectam justitiam & discretionem in misericordia & veritate secundum vires tuas.

Respondebit, servabo.

Concedis justas leges & consuetudines esse tenendas & promittis pro te eas esse protegendas, & ad honorem Dei corroborand. quas vulgus elegerit secundum vires tuas.

Respondebit concedo & promitto.

Adjicianturque prædictis interrogationibus quæ justa fuerint pronunciatisque omnibus confirmet Rex se omnia servaturum Sacramento super Altare præstito coram cunctis.

Out of the Claus. Rot. 1. R. 2. M. 44.

Afterwards the foresaid Archbishop of *Canterbury* having taken the corporall Oath of our Lord the King to grant and keep, and with his Oath to confirm the Lives and Customes granted to the people of the Kingdom of *England*, by ancient just and devout Kings of *England*, the progenitors of the said King, and especially the Lawes, Customes and Freedomes granted to the Clergy and people of the said Kingdom by the most glorious and most holy King *Edward*, to keep

keep to God, and the holy Church of God, and to the Clergy and people peace and concord in God intirely according to his power, and to cauſe equall and right juſtice to be done, and diſcretion in mercy and truth, and alſo to hold and keep the juſt Lawes and Cuſtomes of the Church, and to cauſe that by our ſaid Lord the King they ſhould be protected, and to the honour of God ſtrengthned, which the people ſhould juſtly and reaſonably chooſe to the power of the ſaid Lord the King; the aforeſaid Archbiſhop going to the foure ſides of the ſaid Scaffold declared and related to all the people how that our Lord the King had taken the ſaid Oath, enquiring of the ſame people if they would conſent to have him their King and Liege-Lord, to obey him as their King and Leige Lord; who, with one accord conſented thereunto.

Ex Rot Clauſar. de An. 1. *Ric.* 2 M. 44.

Subſequenterque capto per præfatum Archiepiſcopum Cantuar. ſacramento Domi. Regis corporali de concedendo & ſervando cum ſacra confirmatione leges & conſuetudines ab antiquis juſtis & Deo devotis Regibus Angliæ progenitoribus ipſius Regis Plebi Regni Angliæ conceſſis & præſertim leges conſuetudines & libertates a glorioſiſſimo & ſanctiſſimo Regi Edrō clero populoque Regni prædicti conceſſus & de ſervando Deo & Eccleſiæ Sanct. Domini Cleroque & populo pacem & concordiam integre in Deo juxta vires tuas & de faciendo fieri in omnibus judiciis ſuis æquam & rectam Juſticiam & diſcretionem in miſericordia & veritate & etiam de tenendo & cuſtodiendo juſtas leges & conſuetudines Eccleſiæ, ac de faciendo per ipſum. Dominum Regem eas eſſe protegendas & ad honorem Dei corroborand. quas vulgus juſte & rationabiliter elegerit juxta vires ejuſdm Domini regis, prædictus Archiepiſcopus ad quatuor partes pulpiti prædicti Accidens expoſuit & enarravit Univerſo populo, qualiter dictus Dominus Rex hujuſmodi præſtitit Sacramentum inquirens ab eodem populo ſi ipſi conſentire vellent de habend. ipſum regem & Dom. ſuum ligeum & ad obediend. & ei tanquam Regi & Domino ligeo qui utique unanimiter conſenſerunt.

Lec

Let now all the World judge whether wee have broached any new or any falſe Doctrine, and whether the concluſion that wee drew from the Oath doth not naturally and neceſſary follow out of it, that is, That by the Oath which the Kings of this Realme have or ought to take, there lieth an Obligation upon them to paſſe ſuch Lawes as are offered unto them by their people in the name and for the good of the whole Kingdome, and by accord with their People in Parliament to make remedy and Law upon ſuch miſchiefes and dammages as may happen to the Kingdome: and as we acknowledge that miſchiefes ought to be remedied by Law; ſo it is moſt true that if the remedy of Law be not in time applied to them, they many times grow to that hight as to be paſt remedy of Law; And as we did not determine that Queſtion how farre forth the King is obliged to follow the judgement of his Parliament, ſo as to conclude, that a new Law might be made without His conſent, So we doe acknowledge that the contrary may be truly inferred out of all that we ſaid, For to what end a truſt, and an Oath to performe that truſt, if it might be don otherwiſe? yet we gave reaſons (which are not anſwered) That Kings ought to attribute very much to the judgement of their Parliament, And this the gentleneſſe of their uſuall anſwer doth cleerely ſhew (if it ſignifie no more) and that was the ſcope of all that we ſaid in this point, and the very end for which we at this time cited the Oath uſually taken by the Kings of this Realme at their Coronation, was that neither His Majeſty nor the Kingdome ſhould be any longer led away with that falſe poſition which of late hath beene ſo uſually and openly declared, that all new Lawes are Acts of grace, and that His Majeſty is abſolutely at liberty to paſſe them or not, as he pleaſeth, how good ſoever, or how neceſſary ſoever they may be for the Kingdom, Whereas by the Oath that ought to be taken by the Kings of this realme at their Coronation, the contrary doth appeare, and from thence it doth neceſſarily follow, that the King of this realme ought to be very tender in denying both Houſes of Parliament in any thing that concernes the publique government and good of the Kingdome, and that they ought to denie themſelves and their owne underſtandings very farre, before they deny them,

them, and that upon this ground, becauſe they lie under the Obligation of an Oath to paſſe ſuch Lawes if they be juſt and good for the Kingdome, and it muſt then be a tender point for a Prince to judge otherwiſe of thoſe Lawes that are repreſented unto him, as ſuch by the repreſentative body of the whole Kingdome; the caſe is not the like in private Bills, nor in publique Acts of grace, as pardons and the like, which may in ſome ſenſe be called publique, when they are generall, although they are rather Acts of grace in many particulars, then to all the Common-wealth in generall, and in ſo farre as the penalties and forfeitures are remitted, His Majeſty departeth from his particular right and intereſt, and in all ſuch acts of grace, wee cannot expect that His Majeſty ſhould grant them as of right, neither is hee thereunto obliged by his Oath, neither doe we ſhare with His Majeſty in the power of pardoning, becauſe the high Court of Parliament hath a power of condemning and abſolving, that is of judging aſwell without as with His Majeſties perſonall conſent, Nor is His Majeſties power of pardoning any whit empaired becauſe hee hath not a power of condemning or acquitting out of His Courts and making any actions criminall or not criminall as he pleaſeth, All this conſidered, We cannot yet believe the people of this Land to be ſo void of common ſenſe as to thinke that the Bill for the *Militia* (which hath been denied as by the adviſe of evil counſellors enemies to the peace of this Kingdom) was not a thing for their eaſe and benefit, yea for their ſafety and ſecurity, and ſuch a thing as he could neither in prudence or faithfulneſſe to them by whom we are truſted forbeare to aske, or that his Majeſty had any cauſe in Honour, Juſtice or Conſcience for to deny, or that we have endeavoured to render his Majeſty odious to his Subjects and them diſloyall to his Majeſty, becauſe wee have endeavoed by all meanes to procure His Majeſty to leave the adviſe of private and evill Counſellors and to hearken to his great Counceil, and to obtaine from his Majeſty, Acts of grace juſtice and protection for his people, that their hearts may be united unto him as one man when he ſhall appeare unto them as the fountaine from whence all good floweth unto them. Neither (wee are confident) when they ſee the preſent diſtractions and dangers ſtill growing upon them from the ſame evill

evill councells from whence they did alwaies ariſe, and when they ſhall feele the miſeries, and burthens multiplied upon them from the ſame hands that have alwaies laid them upon them, and when they ſhall heare that ſome of the Authors of the ſecret plots and conſpiracies againſt the Parliament, are now preparing by open force and warre to deſtroy it, will they be ſatisfied with being told that calamities proceed from an arbitrary Government which no man feeles, from tumults which no man feares, and from treaſons which no man underſtands, and not rather from evill Counſellors which no man needs name, from plotts and conſpiracies which no man can deny, and from feares and jelouſies which no man can be free from, and wee are well content that it ſhould be left to the conſcience, reaſon, affection, and ſerious conſideration of all his Majeſties good ſubjects,, whether they that have beene at ſo great charge, taking ſuch inceſſant paines, expoſed themſelves to ſo many perills and hazards to procure them ſo many acts of Juſtice and ſo many good Lawes as they have obtained for them this Parliament, or they that ſo furiouſly carry on the preparations of a civill warre againſt the Parliament and Kingdome be the more like to ruine them.

For his Majeſties abſenting himſelfe from his Parliament, and refuſing to let the Magazine be removed from *Hull* upon the deſire of both houſes of Parliament they that can believe that the Papiſts both in *England* and *Ireland* doe not make advantage of His Majeſties abſence from His Parliament; and the diſtractions that enſue thereupon, and that Papiſts and ill affected perſons both at home and from abroad might not have taken advantage by the Magazine at *Hull*, may happily be induced to believe that Sir *John Hotham* denied His Majeſties entrance into *Hull* out of diſaffection or diſloyalty to His Majeſty; and that the Houſes of Parliament intend to make ſome private advantage of that Towne or Magazine.

For the meſſage of the 20 *of January*, we were not ignorant of the breach of priviledge in the way and manner that it came to us from the beginning, and the reaſon why wee were content to paſſe it over in ſilence, wee have already given, but the preſcribing of a method to both or either Houſe of Parliament by His Majeſty for the time and manner of their proceedings, eſpeciallie in

In matters of money is ſo known a breach of Priviledge of *Parliament*, and hath ſo often been remonſtrated to be ſo in former *Parliaments*, that we are confident the framers of that Declaration would never have affirmed the contrary: But that they beleeve the People (unto whom theſe Declarations ſeeme eſpecially to be directed) did not underſtand it ſo well as every man elſe doth, that knoweth any thing of the proceedings of *Parliament*.

For the inſtances that we gave of an inclination in ſome about His Majeſty to a Civill War; We are contented they ſhould bee Examined again, and compared with other more evident Symptomes thereof, that have, and do dayly diſcover themſelves in that behalfe; was not His Majeſty's going to the Houſe of Commons in that manner that hee did, the ſeed of all our late Diſtractions, and evidently tending to the Interruption of the Peace of the Kingdome? And for the appearance in a warlike manner at *Kingſton* upon *Thames*; Its true we find in a Declaration under His Majeſties Name, *That the Lord Digby went with a Coach and ſix Horſes to viſit ſome Officers there*, but wee heare nothing of Waggons loaden with Piſtols, Carbines, and Ammunition, nor of great Horſes armed with Piſtols; nor that thoſe Officers, together with other Souldiers and Cavalliers, were ſome hundreds, nor that they were liſted and taken into pay, and an Invitation made to ſuch Gentlemen as would mount and maintaine themſelvs for a Month, that afterwards they ſhould bee taken into pay, and bee of His Majeſties Guard for their lives; Nor of the unruly carriage of that Company aſſembled there, diſcharging their Piſtols, and threatning the Inhabitants, that they would have the heads of ſome of them within foure dayes, to the great terror and amazement of the poore people: If all this will not amount to a Warlike appearance and preparation, we leave it to every man to Judge: And we do grant that our appearance at *Kingſton* upon *Hull* was very different from it, becauſe it was upon very different grounds and to better ends and purpoſes.

What is meant *by the drawing of Swords at Yorke, and demanding who would bee for the King*; If it bee knowne to few in *Yorke*, it is unknowne to few in *Yorkeſhire*; And if inquiry bee made concerning it at *London*, there will be found both eye and

eare witneſſes of the truth of it: *For his Majeſties going to Hull*, which no man can ever believe to have bin intended onely for a viſit) *whether it were to prevent a Civill war, is very obuious to any that will conſider the effects*, that have and were alwayes likely to have entred thereupon, and how little neceſſity there was of his Majeſties going thither when he did, more then when hee came firſt to *Yorke*, and for the declaring of Sir *John Hotham* a Traytor, before the Meſſage ſent to the Parliament (under whoſe name, and by whoſe authority Sir *John Hotham* avowed his actions) and the making of propoſitions to the Gentry of *Yorke-ſhire*, to aſſiſt his Majeſty in a way of force againſt him, before any anſwer was, or could be received from the Parliament; we leave it to every man to judge, whether notwithſtanding all that is alledged in that Declaration, it were not a very dangerous violation of the Subjects Liberty, and the ſounding of a Trumpet to war, whilſt the matter was in a way of Iuſtice, and to anticipate and prevent a faire and judiciall proceeding therein, and becauſe *the not giving of ſatisfaction to his Majeſty againſt* Sir *John Hotham* is alledged as a ſufficient cauſe for his Majeſty to ſtop all the Summons of Parliament, and ſo to damme up the courſe of Iuſtice at the fountaine, we deſire every man to conſider of what conſequence this would bee, if his Majeſty ſhould doe the like to all Courts of Iuſtice (as hee might as well and better) and ſo ſtop the whole courſe of Iuſtice, becauſe thoſe that are Iudges, will not make themſelves onely executioners at his command: for if his Majeſty ſent to his high Court of Parliament to demand Iuſtice as from Iudges, why did he not reſt ſatisfied in their Iudgement, from whence there is no appeale, and if he ſent to them onely as Executioners, is it reaſon that any Court, but eſpecially the higheſt Court of Iuſtice, ſhould have a hand to ſtrike, and not withall an eye to ſee? But if theſe may ſeeme weake Symptomes of an intention in ſome about his Majeſty to raiſe a combuſtion within this Kingdome, becauſe they tooke not effect, and that ſo many came not to their Lure, as was expected, are there not now ſtrange and cleare tokens of it, running ſtill in the ſame veine, and riſing from the ſame fountaine of the ſame evill Councels? Is there not a cleere intention, if not an

actuall

actuall beginning to make warre againſt the Parliament? What meanes then the often ſummoning and calling together the Gentry and Inhabitants of the Countie of *Yorke*: they that doe believe his Majeſties journey to *Hull* was onely to make a viſit of the Town and Fort, may happily be perſwaded, that when all theſe people were gathered together at *Heworth-moore*, the third of *June*, it was not to make any propoſition unto them (had they been diſpoſed as was expected) but only to ride about them, to take a view of them, and to heare them ſhout: And if there be no intention of War againſt the *Parliament*, what meanes thoſe Troopes of Horſe and Foot, lately raiſed at *Yorke* and what ſuch preparations of Armes and Moneyes going to *Yorke*, and what meane the endeavours of leavying of Horſes in diverſe places, under pretence of his Majeſties ſervice, and with great promiſe of large pay, and ſome by colour of true or fained Letters from his Majeſty for that purpoſe. And all this before any preparation, made by us, of Horſe, Money, or Plate, for our own defence. *But we are miſtaken all this is only for a Guard to His Majeſties Perſon.* And did his Majeſty ſtand more in need of a Guard when he firſt riſed thoſe forces than when he came firſt to *Yorke*? Did not his Majeſty when hee firſt propoſed the raiſing of this Guard to the Gentlemen of *Yorkeſhire*, the 13. *May*, and required their aſſiſtance, therein expreſſe to them what he meant by the ſafety of his Perſon, that is the recovery of His Magazine taken from him (as is ſaid) by the *Parliament*, the making voyd the Ordinance of the *Militia* eſtabliſhed by the *Parliament*, the puniſhment of Sir *John Hotham* as a Traytor, for what he had done by order of *Parliament*, and the protecting of them, & the Laws, and the true Proteſtant Profeſſion from affronts and injuries and all this to be done by a Guard for His Majeſties Perſon, and all this but a Guard for His Majeſties Perſon? Is the making voyd of the Iudgements and Acts of both Houſes of *Parliament* by force, the Guarding of His Majeſties Perſon? Is the ſheltring of Delinquents from the Summons and Iuſtice of *Parliament* by meanes of this force, (a cleare Invaſion of their power and knowne Priviledges) a Guarding only of His MAIESTIE'S Perſon? Doth not his Majeſty in his Letter

to the Major, Aldermen and Sheriffes of *London* of the 14 of *June*, say that he will raiſe Force for the protecting of the Law? and doth he not continually declare that by the protection of the Law His Majeſty meaneth the making voyd of the Ordinance for the *Militia*? which is by force of Armes to make himſelf Iudge in his own caſe and in His own Perſon, againſt the Iudgement of the higheſt Court; can any man believe that His Majeſty charging both Houſes with countenancing of Treaſon, and a Rebellion within 20 miles of Him, and for endeavouring to overthrow the Government of the Kingdom, and under pretence of a Truſt from the Kingdome, to deſigne to ruine not only of His Perſon, but of Monarchy it ſelfe? Can (or had he reaſon if theſe things were true) to intend any thing elſe by theſe preparations, but the deſtruction of ſuch perſons as His Majeſty ſo openly charged with Rebellion and Treaſon againſt himſelfe and the whole Kingdome? or can any man believe that the preparations at *Amſterdam* in *Holland*, of ſo many thouſand Piſtols and Carabines, and ſo many thouſand great Saddles, and ſo many Canons and of Morters for Granados, and of ſo much Pouder and other warlike proviſions (bought, as we are informed, with moneyes raiſed upon the credits of the Iewels of the Crown, pawned or ſould to that purpoſe) were only intended as a Guard for His Maieſties Perſon? But now ſince ſome of the warlike proviſions are arrived from beyond the Seas (which were long before preparing) and ſince his Majeſty hath beſieged the Town of *Hull*, it appeares what were his intentions from the beginning, when he firſt raiſed Forces under colour of a Guard for his Perſon, and now at length in his late Proclamation hee hath proclaimed War againſt Sir *John Hotham*, and all that adhere to him, that is the *Parliament*: And let all the world judge if it bee not high time for us to thinke of ſome meanes for our defence.

For the buſineſſe of *Hull* which is ſaid, to ſtick with us, it ſticked faſter upon thoſe that were adviſers of his Majeſty to that journey, whereby they have blown a coale which is like to kindle a flame, that threatens us with a generall combuſtion. *And as to the queſtion concerning the Earle of New-caſtel, we anſwered it indeed by a queſtion*, Which whether it have received a full Anſwer or no, wee leave it to every man to judge, but for that which is called, *an Imputation*

putation cast upon that Earle, and insinuated to be a vile aspersion continued by unknown hands and upon unknown and unimaginable grounds. The hands we had it from, were none but such as attested their hands with their Oaths, and wee never knew that depositions upon Oath were esteemed unknown or unimaginable grounds before: But whether the Accusation of the 6 Members of *Parliament* were not contrived by unknown hands, and upon unknown and unimaginable grounds, let euery Man judge.

Whereas it is objected against us, *That we have received Petitions against things that are established by Law, and that we have allowed those Petitions to carry the stile and to seeme to carry the desires of Cities, Towns & Counties, when of either City, Town or County very few known or considerable persons have been privy to such Petitions.* We acknowledge that we have received Petitions for the removeall of things established by Law, and we must say, and all that know what belongeth to the course and practice of *Parliament*, will say, that we ought so to do, and that both our Predecessors & his Majesties Ancestors have constantly done it, there being no other place wherin Laws that by experience may be found grievous and burthensome can be altered or repealed and there being no other due and legall way, wherein they which are agrieved by them, can seek redresse: And for the stile of such Petitions as have been received by us, We never allowed them any higher stile than they brought unto us; Nor did ever make them seem to carry the desires of more than of those whose desires they did appeare to be, nor did they ever appeare to carry the desires of Cities, Towns or Countries, but they were alwayes attested by great numbers of hands, and amongst them of persons considerable, not a few. And for *the Petition of the Gentlemen of Yorkeshire, for the continuance of the Magazin of Hull, whether by the stile of (The humble Petition of the Gentry and Commons of the County of Yorke)* they meant only some of them, we know not, but under that stile it came to us from very many and very good hands.

The sooner all His Majesties good Subjects understand What is it meant by his Majesties authority signified by both Houses of Parl. and by his other Courts of Iustice: the sooner they will understand how little is meant by his Majesties Authority, signified privatly

under his hand or by his Proclamation, when they are contrary to Law and Common right, as they always are when they are againſt the legall proceedings or Iudgements of any Court (much more of the higheſt Court, and by expreſſe Statutes are declared to be of no Authority: And that ſuch Courts and other Officers of Iuſtice muſt proceed to do right, notwithſtanding any ſuch ſignification under the privy Signet or under the great Seale it ſelfe; and it is high time now for the whole Kingdom to underſtand that his Majeſties Authority is more in his Courts without his perſon, than in his perſon without his Courts; when the power of declaring the Law ſhall be denyed to the high Court of *Parliament*, in particular cauſes before them (for me have claimed it, we have exerciſed it no otherwiſe to bee obligatory as a Iudiciall Declaration of the Law) and ſhall be attributed to his Majeſty to do it in generall by his Proclamations, without relation to a particular caſe and making his interpretation of the Law to be a Rule in all Caſes, as in divers late Proclamations he hath done.

But how doth *the world now ſee in what miſerable caſe his Majeſty would have been in if he had paſſed our Bill concerning the Militia, and that we would have raiſed all the Armes of the Kingdom to have beaten him from Yorke, and purſued him out of the Kingdom, as we have kept him out of Hull:* Doth not all the world ſee rather that if his Majeſty had paſſed the Bill concerning the *Militia*, his Majeſty had been at *London* by this time, conſenting and agreeing with his *Parliament* to the generall contentment of all his people and happineſſe of all his Kingdomes. But althoûgh the Contrivers of that Declaration have no better opinion of the repreſentative body of the whole Kingdome, than they uſe to expreſſe yet wee wonder they expreſſed no better an opinion of the whole Kingdome (in which they ſeem to place ſo great confidence) than to thinke they would have followed us in any acte of diſloyalty againſt his Majeſty, If we ſhould have been ſo wicked as to have lead them on to do it: Have we not better grounds to beleeve that if we had let alone the Illegall Commiſſions of Lieutenancy, or ſhould ſubmit to the more Illegall and enſlaving Commiſſion of Array, thoſe evil Counſellors whould have by this time, or would not be longer erre they had beaten us out of the Houſes of *Parliament* by force, as they perſwaded

ſwaded His Majeſty to come into the Houſe of Commons by force to take away the Members thereof, Cauſeleſly and groundleſly accuſed of Treaſon: and why muſt it be thought that wee will imploy His Majeſties Magazine (which they will needs have to bee taken from him) againſt him, becauſe we did not thinke it ſafe at that time to be imployed at *Hull* without His Majeſties Authority ſignified by both Houſes of *Parliament*? May wee not upon as good grouds ſuppoſe that the Malignant Party, the evill Councellors would needs keep it at *Hull*, againſt the deſire of both Houſes of *Parliament*, that they might imploy it not againſt both Houſes of *Parliament*; but againſt a faction called, both Houſes of *Parliament*, as they ſuggeſt unto His Majeſty, that we are like to imploy it againſt him, not againſt his Authority, and to kill the evill Councellors, the Malignant Party about His Majeſty? May wee not with better reaſon declare, that if it were imployed to kill thoſe evill Councellors, that Malignant party about His Majeſty; It would be for His Majeſties good, and the publique good, than they may perſwede His Majeſty; *That if it were imployed to diſtroy both Houſes of Parliament, it would be for the good of King and Kingdome, in delivering them from the Faction and Arbitrary Government of a Parliament?*

But we have made an interpretation of the Statute of the 25. *Edward* 3. *that would leave the King of England abſolutly leſſe provided, for then the meaneſt ſubject in the Kingdome?* How doth that appear? Becauſe, *We ſay its Treaſon to deſtroy the Kingdome of England, as well as the King of England*, and becauſe we ſay, *that the King of England hath not a power to deſtroy the Laws and People of England*, and what is that interpretation of that Statute, that no learned Lawyer will ſet his hand to? that Treaſon may be committed againſt the Kings Authority, though not directed againſt his Perſon: Do there want preſidents or Book Caſee to make this good, or is it not that they cannot ſee Wood for Trees, that look after Preſidents to prove this, which at length is acknowledged in his Majeſties Proclamation of the 18 of *June*? Is it then that interpretation of the Statute, that the raiſing of force in the maintenance of His Majeſties Authority, and of the Laws againſt thoſe that would deſtroy both it and them, is no Treaſon, though ſuch Acts of Traitors and Rebels ſhould be in purſuance of his Majeſties Perſonall Commands and

ac-

accompanied with his preſence; And have we cited no preſidents to that purpoſe? What are thoſe then of *Alexander* Arch-Biſhop of *Yorke*, *Robert de Leere* Duke of *Ireland* and the reſt in the time of *Rich.* the 2. which we cauſed to be publiſhed; whoſe Leavying of Forces againſt the Authority of the *Parl.* and to put to death divers principall Members of both Houſes, by the Kings expreſſe command, which hee promiſed to accompany with his preſence, was by two Acts of *Parl.* Iudged Treaſon; and the Act of ſuch Leavied Forces to ſuppreſſe them, was judged good ſervice to the Common-wealth: Theſe Preſidents are ſaid to be grounded upon repealed Statutes, and we have indeed heard it ſaid ſo twice, but were never heard the Statute that repealed them cited once, and whether the *Parl.* of 11. *Rich.* 2. was more a forced *Parl.* than that of the 21. *Rich.* 2. which repealed the Acts thereof, and whether that of the 1. *H.* 4. which repealed that of the 21. *Rich.* 2. and all the Acts thereof and revived that of 11. *Rich.* 2. & all the Acts made therein, was ever yet repealed, and conſequently whether thoſe two Acts of 11. *Rich.* 2. & 1. *Hen.* 4. do not ſtill ſtand in force none that are acquainted with the Records and Hiſtory of that time can deny, or ſo much as doubt? But do we need Preſidents in this Caſe; Is it not a known rule in the Law, that the Kings illegall commands, though accompanied with his preſence, do not excuſe thoſe that obey them? and how then ſhall it excuſe Rebels and Traitors, and how ſhall it hinder the Kings Courts and Miniſters, to proceed againſt them judicially, if they ſubmit, or by force, if they make oppoſition with force? If the King might Controwle all the Courts in *Weſtmin.* Hall & the high Court of *Parl.* it ſelfe, and make it good by force, what were become of the known legall government of this Kingdom, or what a Iewell had we of the Law, or what benefit by being governed according to Law, if all Laws might by force be overthrown, and by force might not bee upheld and maintained? Nay by the Law of that Declaration, and of the Proclamation bearing date 18 of *Ja.* if all that which ſo falſly and ſcandalouſly is affirmed of his Majeſty by the Rebels of *Ireland* were true, that they do all by his Majeſties commands, and if His Majeſty ſhould accompany ſuch commands which his preſence (as they do not ſpare for their own advantage in like manner to give out that he will) it were not lawfull for the whole repreſentative body of the Kingdom to raiſe forces for the ſuppreſſing ſuch Force as they have raiſed, and ſuch Acts as they have done.

Without